

**WORK SESSION AGENDA
SEPTEMBER 19, 2023
4:00 p.m.**

1. Agenda Review and Citizen Forum

**AGENDA
CITY OF MORRISTOWN, TENNESSEE
CITY COUNCIL MEETING
SEPTEMBER 19, 2023
5:00 p.m.**

1. **CALL TO ORDER**

Mayor Gary Chesney

2. **INVOCATION**

Reverend Don Lamb, Morristown Police Department Chaplain

3. **PLEDGE OF ALLEGIANCE**

4. **ROLL CALL**

5. **ADOPTION OF AGENDA**

6. **PROCLAMATIONS/PRESENTATIONS**

7. **CITIZEN COMMENTS ABOUT AGENDA ITEMS ONLY**
(Other than items scheduled for public hearing.)

8. **APPROVAL OF MINUTES**

1. September 5, 2023

9. **OLD BUSINESS**

- 9-a. **Public Hearings & Adoption of Ordinances/Resolutions**

10. **NEW BUSINESS**

10-a. Resolutions

1. Resolution No. 2023-19
Being a Resolution of The City of Morristown, Requesting the General Assembly of the State of Tennessee to amend the Private Act Charter of The City of Morristown.

10-b. Introduction and First Reading of Ordinances

1. Ordinance No. _____
Entitled an Ordinance to annex certain territory and to incorporate same within the corporate boundaries of the City of Morristown Tennessee; Annexation of 14.68 acres as described in Hamblen County Warranty Deed Book 2001, Pages 808-812, having Hamblen County Tax ID #032024 06201 (intersection of Cherokee Drive and Noe's Chapel Road)
{Public Hearing Date October 3, 2023}
2. Ordinance No. _____
Entitled an Ordinance to amend the Municipal Code of The City of Morristown, Tennessee, Appendix B. Rezoning of Hamblen County Tennessee Tax Parcel ID #032042 01500 from R-1 (Single Family Residential District) to IB (Intermediate Business District) located at 455 Fish Hatchery Road.
{Public Hearing Date October 3, 2023}
3. Ordinance No. _____
Entitled an Ordinance to amend the Municipal Code of The City of Morristown, Tennessee, Appendix B. Rezoning of Hamblen County Tennessee Tax Parcel ID # 034B B 00700 000 from LI (Light Industrial) to R-2 (Medium Density Residential) located at 432 North Liberty Hill.
{Public Hearing Date October 3, 2023}

10-c. Awarding of Bids/Contracts

1. Authorize the one-time purchase of eighteen (18) X26P Tasers and eighteen (18) Batteries for the Police Department from Axon as a sole source purchasing totaling \$24,439.32.
2. Approval to declare Police Vehicle #438 2007 Crown Victoria that has been removed from service as surplus (VIN# 2FAFP71W97X128594).
3. Declare real estate at 709 Talbott Rd and 1201 Ridgecrest St to be surplus and authorize disposition of both properties by sealed proposal or bid.
4. Acknowledge receipt of a grant and the Mayor's execution of a grant contract between the City and Tennessee Department of Transportation for preliminary design in anticipation of rehabilitating certain areas of apron at the Morristown Regional Airport (\$59,850 state / \$3,150 local).

5. Approval of agreement with LDA Engineering to provide surveying, engineering, and design services for the Cherokee Drive at Walters Drive Roundabout project in an amount of \$85,000.00.
6. Approval to accept the recommendation from Rummel, Klepper & Kahl, LLP and award the best and lowest bid to Herrco, Inc. in the amount of \$69,000.00 for the Overhead Pedestrian Bridge Repair over Henry Street at Main Street project and allow Tony Cox, City Administrator to enter into contract.
7. Approval to extend the term of contract with Redflex Traffic Systems Inc. dba Verra Mobility through December 31, 2023.
8. Acceptance of donation of construction services from MB&R Contractors in an approximate amount of \$6,000 as related to the replacement of both pedestrian bridges at Fred Miller Park.
9. Authorize the one-time purchase of one hundred and fifty (150) Holsters and accessories for the Police Department from Dana Safety Supply via an open governmental agreement between Dana Safety Supply and Bradford County, Florida, in the amount of \$18,109.00.
10. Acknowledge receipt of bids for the Equipment Trailer, accept the bid from Smokey Mountain Trailer Outlet as the best and lowest bid, and authorize a one-time purchase of the Equipment Trailer for the Public Works Dept. totaling \$30,818.83.

10-d. Board/Commission Appointments

1. Mayor nomination and City Council approval of appointment to the Morristown Tree Board to fill the unexpired term of Chris Lloyd; term expiring September 18, 2025.

10-e. New Issues

11. CITY ADMINISTRATOR'S REPORT

1. FY 2022/2023 CDBG Consolidated Annual Performance and Evaluation Report (CAPER)

12. COMMENTS FROM MAYOR/COUNCILMEMBERS/COMMITTEES

13. ADJOURN

WORK SESSION September 19, 2023

1. Parks and Recreation Department Update

City Council Meeting/Holiday Schedule.

September 19, 2023	Tuesday	4:00 p.m.	Council Agenda Review & Citizen Forum
September 19, 2023	Tuesday	5:00 p.m.	Regular City Council Meeting with Work Session
October 3, 2023	Tuesday	3:30 p.m.	Finance Committee Meeting
October 3, 2023	Tuesday	4:00 p.m.	Council Agenda Review & Citizen Forum
October 3, 2023	Tuesday	5:00 p.m.	Regular City Council Meeting with Work Session
October 17, 2023	Tuesday	4:00 p.m.	Council Agenda Review & Citizen Forum
October 17, 2023	Tuesday	5:00 p.m.	Regular City Council Meeting with Work Session
November 7, 2023	Tuesday	4:00 p.m.	Council Agenda Review & Citizen Forum
November 7, 2023	Tuesday	5:00 p.m.	Regular City Council Meeting with Work Session
November 21, 2023	Tuesday	4:00 p.m.	Council Agenda Review & Citizen Forum
November 21, 2023	Tuesday	5:00 p.m.	Regular City Council Meeting with Work Session
November 23-24, 2023	Thurs/Fri		City Center Closed – Observance of Thanksgiving Holiday
December 5, 2023	Tuesday	3:30 p.m.	Finance Committee Meeting
December 5, 2023	Tuesday	4:00 p.m.	Council Agenda Review & Citizen Forum
December 5, 2023	Tuesday	5:00 p.m.	Regular City Council Meeting with Work Session
December 19, 2023	Tuesday	4:00 p.m.	Council Agenda Review & Citizen Forum
December 19, 2023	Tuesday	5:00 p.m.	Regular City Council Meeting with Work Session
December 22 & 25, 2023	Fri/Mon		City Employee's Holiday – Observance of Christmas Day
January 1, 2024	Monday		City Center Closed – Observance of New Year's Day
January 2, 2024	Tuesday	4:00 p.m.	City Council Agenda Review & Citizen Forum
January 2, 2024	Tuesday	5:00 p.m.	Regular City Council Meeting with Work Session
January 15, 2024	Monday		City Center Closed – Observance of Martin Luther King Day
January 16, 2024	Tuesday	4:00 p.m.	Council Agenda Review & Citizen Forum
January 16, 2024	Tuesday	5:00 p.m.	Regular City Council Meeting with Work Session
February 6, 2024	Tuesday	3:30 p.m.	Finance Committee Meeting
February 6, 2024	Tuesday	4:00 p.m.	Council Agenda Review & Citizen Forum
February 6, 2024	Tuesday	5:00 p.m.	Regular City Council Meeting with Work Session
February 20, 2024	Tuesday	4:00 p.m.	Council Agenda Review & Citizen Forum
February 20, 2024	Tuesday	5:00 p.m.	Regular City Council Meeting with Work Session

**STATE OF TENNESSEE
COUNTY OF HAMBLEN
CORPORATION OF MORRISTOWN
September 5, 2023
5:00 p.m.**

The City Council for the City of Morristown, Hamblen County, Tennessee, met in regular session at the regular meeting place of the Council in the Morristown City Center at 5:00 p.m., Tuesday, September 5, 2023 with the Honorable Mayor Gary Chesney presiding and the following Councilmembers present, Al A'Hearn, Bob Garrett, Tommy Pedigo, Joseph Senter and Kay Senter. Absent, Chris Bivens.

Reverend Benny Jones, Morristown Police Department Chaplain led in the invocation. Councilmember A'Hearn led the "Pledge of Allegiance".

Councilmember Pedigo made a motion to adopt the September 5, 2023 agenda as presented. Councilmember J. Senter seconded the motion and upon roll call; all voted "aye".

Mayor Chesney opened the floor for members of the audience to speak subject to the guidelines provided. Linda Noe, Tim Heely and Louis Chan spoke.

Councilmember Pedigo made a motion to approve the August 15, 2023 minutes as amended. Councilmember Garrett seconded the motion and upon roll call; all voted "aye".

A Public Hearing was held relating to Ordinance No. 4735. James Purkey spoke.

Councilmember A'Hearn made a motion to approve Ordinance No. 4735 on its second and final reading. Councilmember Pedigo seconded the motion and upon roll call; all voted "aye".

Ordinance No. 4735

Entitled an Ordinance to close and vacate certain rights-of-ways within the city of Morristown as located along Combs Lane in the Eastern Quadrant of the City of Morristown.

Councilmember K. Senter made a motion to approve Resolution No. 2023-18. Councilmember A'Hearn seconded the motion and upon roll call; all voted "aye".

Resolution No. 2023-18

A Resolution of the City of Morristown, Tennessee establishing a Record Retention Schedule.

Councilmember A'Hearn made a motion to acknowledge the TN State Contract #349 for upfitting/equipping of police vehicles, accepting the quote from Kustom Signals, Inc. and authorizing a one-time purchase of radar equipment for the nine (9) police vehicles on order totaling \$23,103.00. Councilmember Pedigo seconded the motion and upon roll call; all voted "aye".

Councilmember K. Senter made a motion to authorize the purchase of products and services from Routeware Global per one quote totaling \$157,501.76 via HGAC Buy cooperative purchase contract and one quote totaling \$32,220.96 via Sourcewell cooperative purchase contract #041521RCS – both of which include the first year of service. Councilmember Pedigo seconded the motion and upon roll call; all voted "aye".

Councilmember Pedigo made a motion to rescind the Lease and Concession Services Agreement with Sports Facilities Food & Beverage Tennessee, LLC established February 7, 2023 and as amended June 28, 2023, approve a new Lease and Concession Services Agreement with the same entity enabling the sale of alcohol for certain events at the Morristown Landing Recreation & Events Center, and authorize the City Administrator to execute the same. Councilmember Garrett seconded the motion and upon roll call; Mayor Chesney and Councilmembers A'Hearn, Garrett, Pedigo and K. Senter voted "aye". Councilmember J. Senter voted "no".

Councilmember A'Hearn made a motion to approve the Lakeway Area Metropolitan Transportation Planning Organization (LAMTPO) Federal Fiscal Year 2024-2025 Contract for the Tennessee Department of Transportation Consolidated Planning Grant (CPG). Councilmember Garrett seconded the motion and upon roll call; all voted "aye".

Councilmember K. Senter made a motion to approve the Tennessee Law Enforcement Hiring, Training and Recruitment Program Grant in an amount of \$200,000.00 for the Morristown Police Department. Councilmember A'Hearn seconded the motion and upon roll call; all voted "aye".

Councilmember A'Hearn made a motion to acknowledge the Runway Lighting System Replacement Grant for the construction phase in an amount of \$900,000.00 for the Morristown Airport. Councilmember Garrett seconded the motion and upon roll call; all voted "aye".

Councilmember Pedigo made a motion to approve the proposal from GEOS for construction materials testing service for Phase 2 Thompson Creek Road in an amount not to exceed \$25,000. Councilmember Garrett seconded the motion and upon roll call; all voted "aye".

Councilmember K. Senter made a motion to postpone consideration of the agreement with LDA Engineering to provide surveying, engineering, and design services for the Cherokee Drive at Walters Drive Roundabout project in an amount of \$85,000.00 to the September 19, 2023, Council meeting. Councilmember Pedigo

seconded the motion and upon roll call; all voted “aye”.

Councilmember A’Hearn made a motion to approve the agreement with LDA Engineering to provide surveying, engineering, and design professional services for the S. Bellwood Road and Veterans Parkway Realignment project in an amount of \$82,000.00. Councilmember Garrett seconded the motion and upon roll call; all voted “aye”.

Councilmember Pedigo made a motion to approve the agreement with LDA Engineering for additional professional services for Stormwater items in an amount not to exceed \$40,000.00. Councilmember Garrett seconded the motion and upon roll call; all voted “aye”.

Councilmember K. Senter made a motion of Change Order No. 1 with East Tennessee Turf and Landscape for the MAID Ditch Stormwater project increasing the total contract amount by \$638,565.00. Councilmember A’Hearn seconded the motion and upon roll call; all voted “aye”.

Councilmember A’Hearn made a motion to rescind the City Council’s decision of June 6, 2023 to dispose of vehicle #483 by auction and approve the transfer of the vehicle, valued at \$6,160 to the Third Judicial District Recovery Support Services, Inc. in recognition of the value it will provide to the community with said vehicle. Councilmember J. Senter seconded the motion and upon roll call; all voted “aye”.

Councilmember Pedigo made a motion to approve Change Order No. 11 to the contract with Path Construction Northeast for the construction of Morristown Landing for various work not included in the original contract. Councilmember A’Hearn seconded the motion and upon roll call; all voted “aye”.

Councilmember Pedigo made a motion to authorize the purchase of twenty (20) PVS-14/A Gen 3 Elbit night vision monoculars from H.L. Dalis Inc. per the General Services Administration (GSA) Cooperative Contract # GS-07F-5829R for a one-time purchase for the Police Department totaling \$73,325.00. Councilmember J. Senter seconded the motion and upon roll call; all voted “aye”.

Councilmember A’Hearn made a motion to authorize the purchase of twenty-five (25) 55 gallon drums of traffic paint from Ennis-Flint per the TN State Contract # 178 for a one-time purchase totaling \$15,675.00. Councilmember Garrett seconded the motion and upon roll call; all voted “aye”.

Councilmember K. Senter made a motion to approve the purchase of continued surveying service from Polco per the proposal for \$24,800. Councilmember Pedigo seconded the motion and upon roll call; all voted “aye”.

Councilmember A’Hearn made a motion to acknowledge receipt of bids for Structural Firefighting hoods, accept the bid from North American Fire Equipment Co.

as the best bid, and authorize the purchase of 160 hoods for \$68.00 each for a total of \$10,962.16 including freight charge. Councilmember J. Senter seconded the motion and upon roll call; all voted “aye”.

Councilmember K. Senter made a motion to authorize the purchase of eight (8) cylinder valve assemblies and four (4) Air-paks from Municipal Emergency Services (MES) per the Sourcwell Contract #032620 for a one-time purchase for the Fire Department totaling \$40,932.00. Councilmember Garrett seconded the motion and upon roll call; all voted “aye”.

Councilmember K. Senter made a motion to authorize the purchase of one (1) Apex 4 Point Deluxe Kit from Municipal Emergency Services (MES) per the NPP Gov Cooperative Contract # PS20040 for a one-time purchase for the Fire Department totaling \$14,028.00. Councilmember Garrett seconded the motion and upon roll call; all voted “aye”.

Councilmember A'Hearn made a motion to re-appointment Ventrus Norfolk to the Morristown/Hamblen County Solid Waste System for a three (3) year term to expire on October 1, 2026. Councilmember Garrett seconded the motion and upon roll call; all voted “aye”.

Councilmember K. Senter made a motion to confirm the City Administrator's re-appointment of Councilmember Bob Garrett to the Morristown/Hamblen County Solid Waste Board for a three (3) year term to expire on October 1, 2026. Councilmember J. Senter seconded the motion and upon roll call; all voted “aye”.

Councilmember K. Senter made a motion to hire Denver Robertson, Luke Daniels and Kayla Lande as Entry-Level Officers for the Morristown Police Department. Councilmember A'Hearn seconded the motion and upon roll call; all voted “aye”.

Mayor Gary Chesney adjourned the September 5, 2023, Morristown City Council meeting at 6:15 p.m.

Mayor

Attest:

City Administrator



Morristown City Council Agenda Item Summary

Date: September 19, 2023

Agenda Item: Adopt a resolution requesting the General Assembly of the State of Tennessee to amend the Private Act charter of the City of Morristown.

Prepared By: Andrew Ellard

Subject: Resolution Requesting Charter Introduction

Background: Morristown must amend its charter at least as it relates to the structure of elections as a result of 2022 legislation prohibiting (in part) the manner in which Morristown and several other cities structure elections. Private Act charter amendments must be approved by the state legislature, which first requires a resolution of the city council affirming the amendments to be requested.

Findings/Current Activity:

Because we have taken the opportunity to amend various other sections throughout the charter, this is presented as an amendment replacing the document in its entirety. Notation of all changes have been provided in a red-lined version, though this is not a perfect representation of all changes as some sections are reformatted in the new version. We have also determined that the deeds for certain park land described in Division G already contain the use restrictions described, making Division G unnecessary. This change has been incorporated. The substance of all other changes communicated in previous presentations and as requested in City Council workshops are incorporated.

NOTE: a final version may differ slightly following review by legislative counsel. City Council will have a final opportunity to adopt after the legislative session.

Financial Impact:

The resolution has no financial impact. Should the charter move forward as drafted, elections moving to November will save the city approximately \$25,000 each election year.

Action options/Recommendations:

Staff recommends adoption.

Attachment: Resolution, Charter showing edits, Charter (clean version)

RESOLUTION NO. 2023-19

BEING A RESOLUTION OF THE CITY OF MORRISTOWN, REQUESTING THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE TO AMEND THE PRIVATE ACT CHARTER OF THE CITY OF MORRISTOWN

WHEREAS, the Tennessee General Assembly passed legislation during the 2023 session that became Public Chapter No. 391, which prohibits members of local governing bodies to be elected through an election procedure that requires candidates to be nominated from a district and elected at large;

WHEREAS, the City Charter of the City of Morristown currently establishes that four of its City Council positions are nominated from a district and elected at large;

WHEREAS, the enactment of Public Chapter No. 391 makes it necessary for the City of Morristown to amend its charter in order for its election structure to comply with state statute;

WHEREAS, the City of Morristown desires for its charter to be amended to bring the document current with modern statutes and to modify certain other provisions; and

WHEREAS, the interest of the City of Morristown, Tennessee will be served if the charter of the city is so amended;

NOW THEREFORE, BE IT RESOLVED by the mayor and council of Morristown, Tennessee, that the Honorable Senator Steve Southerland and the Honorable Representative Rick Eldridge are hereby requested to introduce the following act to the General Assembly of the State of Tennessee:

AN ACT to amend the charter of the City of Morristown, Tennessee, being Chapter 103 of the Private Acts of Tennessee for 1903 and all acts amendatory thereto:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The "Charter of the City of Morristown, Tennessee," being Chapter 103 of the Private Acts of Tennessee for 1903 and all acts amendatory thereto, is amended by deleting the content of Chapter 103 of the Private Acts of Tennessee for 1903, and all amendatory acts thereto, in their entirety and replacing with the following:

CHARTER OF THE CITY OF MORRISTOWN, TENNESSEE

AN ACT to incorporate the City of Morristown in Hamblen County, Tennessee.

ARTICLE I.

Sec. 1. Incorporation.

The inhabitants of the City of Morristown, as the same extends and is laid out, are hereby constituted a corporation and body politic, by the name and style of the "City of Morristown," and by the same name shall have perpetual succession; shall sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever, may purchase, receive and hold property, real and personal in their said city, and may sell, lease or dispose of the same for the benefit of said city; and may purchase, receive and hold property, real and personal, beyond the limits of the city, for corporate purposes; and may sell, lease or dispose of such property for the city; and to do all other acts, as natural persons. They shall have

and use a common seal and change it at pleasure. They may own and control a waterworks system, electric light plant, gas plant and public school buildings and equipment.

Sec. 2. City council.

There shall be a city council, which shall consist of a mayor and six (6) council members, who shall be elected by the qualified voters of the city to serve for a term of four (4) years, and until their successors are elected and qualified.

No person shall be elected to the council or to the office of mayor unless they are at least twenty-one (21) years of age by the election date, a citizen of the State of Tennessee, and a bona fide resident of the city for at least one year immediately preceding the election date. All council members and the mayor shall be elected at large.

Any person elected to the city council who removes from the city shall thereby vacate his office.

Before entering upon the duties of office, the mayor and council members shall take an oath to faithfully demean themselves in office, and perform the duties thereof. All vacancies in the council, including the office of mayor, shall be filled by a vote of a majority of the remaining members thereof, to serve until the next city election for members of council.

Sec. 3. Biennial elections; qualifications of electors; qualifications and duties of mayor.

Beginning in the year 2024, the terms of all sitting council members and mayor shall be extended such that council members previously representing the first ward and the third ward, having last been elected in May of 2021 and the at-large member last elected in May of 2021, may remain in their capacities until their successors are elected and seated, said elections to be held the first Tuesday following the first Monday in November of 2026, and that the mayor and council members previously representing the second ward and the fourth ward, having last been elected in May of 2023 and the at-large member last elected in May of 2023, may remain in their capacities until their successors are elected and seated, said elections to be held the first Tuesday following the first Monday in November of 2028. A transition seating newly elected council members and/or mayor shall occur on the last Monday of November following elections, provided elections have been certified by that date. Otherwise, a transition seating newly elected council members and/or mayor shall occur on the next Monday following such certification.

Beginning with the election of November 2026, voters will select up to three (3) candidates on a single ballot for the office of city council. The three (3) city council seats will be filled by the three (3) candidates receiving the highest number of votes. When two (2) or more shall have an equal number of votes preventing a determination of the three (3) highest, the election for any undetermined seat(s) shall be decided by a majority vote(s) of the council-elect and mayor-elect.

Every person entitled to vote for members of the General Assembly by the laws of the State and who shall have been a bona fide resident within the corporate limits for thirty (30) days next preceding the election shall be entitled to vote therein.

Nonresidents holding a freehold within the corporate limits of an assessed valuation of one hundred dollars (\$100) or other property subject to corporation taxes amounting to one hundred dollars (\$100) or over, shall be entitled to vote at said election. Said election shall be held as now provided by the laws of the State of Tennessee for such elections.

No person shall be elected mayor who is not at the time of election at least twenty-one (21) years of age, a citizen of the State of Tennessee, and a bona fide resident of the city for at least one year immediately preceding the election date. When two (2) or more shall have an equal number of votes for the office of

mayor, the election shall be decided by a majority of the votes of the council-elect. No council member whose term extends beyond the next mayoral election may qualify as a candidate for the office of mayor if such council member holds office as such thirty (30) days prior to the final day for qualification as a candidate for mayor.

Such council member shall not be disqualified from being appointed by the council to serve as a council member until the next city election for members of council and mayor, to fill the vacancy created by his or her resignation from office. The mayor may fill all vacancies occurring in any offices, except that of council member, until the same be filled by election. It shall be the duty of the mayor to preside at all meetings of the council; to see that all the ordinances of the city are duly enforced, respected and observed within the city; to take an oath of office before entering upon the duties of the same; and to call special sessions of the council when the mayor deems it expedient. The mayor shall be entitled to a vote upon all matters before the council the same as a council member, whether there be a tie or not, but shall not be entitled to vote as mayor and an additional vote as presiding officer.

Sec. 4. Appointment of city officers, employees, etc.; city administrator.

The city council shall have full power and authority to appoint all officers, servants and agents of the corporation, such as they may deem necessary and provide by ordinance. They shall also fix the compensation of such officers before their election, which shall not be increased or diminished during their continuance in office.

They shall also have power to dismiss any officer, servant or agent, by them appointed, three-fifths of said council concurring in such dismission.

Or in the alternative, the council, by resolution, may appoint and fix the salary of the city administrator, who shall serve at the pleasure of the council, except that he may be removed during his first year in office only for incompetence or neglect of duty. He shall be appointed solely on basis of his executive and administrative qualifications, without regard to his political affiliations or place of residence, but during his tenure in office may reside outside the city only with the consent of the council. He shall give his full time to the office unless otherwise provided by resolution. The council may remove the city administrator only after adopting a preliminary resolution stating the reasons for his proposed removal, which shall be published once in the official city newspaper. If within five days after such publication the city administrator delivers to the mayor a written request for a hearing, a public hearing shall be held within ten to twenty days after publication of the preliminary resolution, to consider any written or oral statement he wishes to make, in person or through counsel. After following this procedure, and after the public hearing, if one be held, the council may adopt a final resolution of removal from which there shall be no appeal. The preliminary resolution may suspend the city administrator from duty, but in any event he shall be paid his regular salary until the time of adoption of the final resolution or removal. The council may, and if the council does not, the city administrator shall, designate a person to act as city administrator during his absence or inability to act. An acting city administrator may be appointed by the council to fill a vacancy in the office for not to exceed one year, who may be removed by the council at any time without regard to the procedure prescribed in this section for removal of the city administrator.

The city administrator shall be the executive head of the city government, responsible to the council for the efficient, orderly and business-like administration of the city's affairs. He shall be responsible for the enforcement of laws, rules and regulations, ordinances and franchises of the city, and the city attorney shall take such legal actions as the city administrator may direct for such purposes. The city administrator shall have authority to appoint, promote, demote, transfer, suspend and remove all department heads and employees and to direct and control their work, except as otherwise provided in this Act. He shall attend all meetings of the council when possible to do so and may participate in the discussions of the council, but shall have no vote. He shall submit to the council annual budgets, reports and such other information as he may deem necessary or that the council may require. He shall have authority to make allotments of funds within the limits of appropriations and no expenditure shall be made without his approval. He shall

act as purchasing agent for the city. He may conduct inquiries and investigations into the conduct of the city's affairs and shall have such other powers and duties as may be provided by ordinances not inconsistent with this Act. All acts performed by the city administrator pursuant to the authority granted by this section shall be subject to review by the city council, and any authority granted to the city administrator by this section 4 may be enlarged or diminished, three-fifths of said council concurring in such action.

Sec. 5. Powers of city generally.

- (1) Assessment, collection, etc., of property taxes; tax assessor. Said city council shall have power within the corporation to levy, assess and collect taxes for municipal purposes upon property within said municipality, or otherwise liable therefor, taxable by law, for state purposes.
- (2) Taxes on privileges and polls. To levy and collect taxes upon all privileges and polls, taxable by the laws of the state.
- (3) Appropriations and expenditures. To appropriate money and provide for the payment of the debts and expenses of the city and to appropriate money for charitable uses and purposes, and provide by ordinance for the expenditure of the same, and, if necessary, to levy a special tax for such charitable uses and purposes. The fiscal year of the city shall begin on the first day of July and end on the last day of June.
- (4) LEFT BLANK INTENTIONALLY
- (5) Schools. To establish a system of free schools within the city and by proceedings accruing to the general law of the land condemn property within the municipality for school and corporate purposes.
- (6) General health; nuisances; vagrancy. To make regulations to secure the general health of the inhabitants and to prevent and remove nuisances; to regulate and suppress vagrancy.
- (7) Open, vacate, pave, etc., streets and sidewalks. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys and sidewalks, or to have the same done, and to grant privileges and franchises in the use of the same.
- (8) LEFT BLANK INTENTIONALLY
- (9) Market. To erect a market house, establish a market and regulate the same.
- (10) Public buildings. To provide for the erection of all buildings necessary for the use of the city.
- (11) Licensing and regulation of occupations and vehicles for hire. To license, tax and regulate all occupations which are now or hereafter may be declared to be privileged occupations by the laws of the state; to license, tax and regulate automobiles, automobile trucks, automobile passenger busses, and taxicabs, carts, omnibuses, cabs, motorcycles, and all other vehicles; to fix the rate to be charged for the carriage of persons and property by any vehicles held out to the public use for hire within the city, and to require indemnity bonds in surety companies or indemnity insurance policies to be filed with the city by the owner or operator of any such vehicle, for the protection of the city or any person against loss by injury to persons or property; to make all needful rules and regulations of the government of such conveyance, and to provide where such conveyances may be parked, and fix the starting and stopping point, within the city, of such vehicles, whether same are to be operated wholly within the city or from a point in the city to points outside, and whether the same be operated along fixed routes and according to fixed schedules or along different routes and without schedules; to designate the streets over and along which automobiles and other vehicles used for the purpose of affording street transportation may be operated, and to fix the rate to be charged for transportation of passengers.
- (12) LEFT BLANK INTENTIONALLY
- (13) Amusements, shows, exhibitions, etc. To license, tax and regulate and suppress theatrical and other exhibitions, shows or amusements.
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(20) Appointment of police; imposition of penalties for violations of ordinances; city judge: appeals from convictions. To appoint and regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery and appropriation and such recovery may be had before the mayor or before the city judge, who shall be appointed by the city council as hereinafter provided, and who shall be a citizen of the city and an attorney licensed to practice law in the State of Tennessee, with jurisdiction in either of said officers to issue warrants, render judgments, issue executions and such other process as may be necessary for the enforcement of fines, forfeitures and penalties for the violation of ordinances of said corporation; and any person against whom a judgment has been rendered by the mayor or city judge, for violation of any of the ordinances of the city, may within ten (10) days thereafter, appeal to the Circuit Court of Hamblen County, Tennessee, upon giving bond and security in the sum of two hundred fifty dollars (\$250.00) for his appearance at the next term of said court to be held thereafter, conditioned according to the terms of appearance bonds required by law in criminal cases.

The office of city judge is hereby created and said judge shall be appointed for such terms and paid such salary as established by the city council through ordinance.

(21) Riotous and disorderly persons. To provide for the arrest and confinement until trial of all riotous and disorderly persons within the corporation, by day or by night; to authorize the arrest of all suspicious persons found violating any ordinance of the city.

(22) Breach of the peace; disorderly assemblies. To prevent and punish, by pecuniary penalties, all breaches of the peace, noise, disturbances, or disorderly assemblies in any street, house or place in the city by day or by night.

(23) Encroachments on streets, etc. To prevent and remove all encroachments into and upon all streets, lanes, alleys and avenues established by law or ordinance.

(23a) Zoning. To regulate by ordinance the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of lot which may be occupied, size of yards, courts, and other open spaces, the density of population, and the uses of buildings, structures, and land for trade, industry, residences, recreation, public activities, and other purposes, and to create and appoint a city planning commission in connection with said corporate power and authority, and to this end, said municipality is granted all the rights, powers, and authority which are granted to municipalities generally by Chapter 34 of the Public Acts of the General Assembly of the State of Tennessee for the year 1935, and by Chapter 44 of the Public Acts of the General Assembly of the State of Tennessee for the year 1935, and by Chapter 74 of the Public Acts of the General Assembly of the State of Tennessee for the year 1945.

Note(s)—See T.C.A. §§ 13-4-101 to 13-4-105, 13-4-201 to 13-4-203, 13-7-201 to 13-7-210; and 42-6-101 to 42-6-115.

(24) Obstructions on sidewalks; repair and cleaning of sidewalks and curbstones. To remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks and curbstones, and for cleaning the same.

(24a) Airport. To establish, operate and regulate a municipal airport, within or without the corporate limits of said municipal corporation, and to this end said municipality is granted all of the rights, powers, and authority as is granted to municipalities generally by Chapter 74 of the Public Acts of the General Assembly of the State of Tennessee for the year 1931, as amended, being an Act entitled, "An Act to authorize Counties and Municipalities, jointly and separately, to establish and maintain airports, to authorize Counties and Municipalities to regulate such airports, and to confer upon the Counties and Municipalities the power to acquire by condemnation lands necessary for such airport".

Note(s)—See T.C.A. §§ 42-5-101 to 42-5-109.

(24b) Off-street parking facilities. To establish off-street parking facilities for vehicles within the corporate limits of the city; to regulate the operation of the same by ordinance expressly including the power to establish if deemed necessary, charges to be paid for the use thereof; to expend corporate funds for that purpose; and to exercise the power of eminent domain to carry out the intent and purpose of this subsection.

(25) Alcoholic beverages. To regulate by ordinance the sale by retail for beverage purposes, or the giving away for beverage purposes, of intoxicating liquors, including ale, wine, and beer, within the limits

of such corporation, and to provide by ordinance suitable penalties for the violation of such ordinance, and to prevent the sale or giving such liquors to minors, within the limits of such corporation, and to provide suitable penalties for violation of same.

(26) Ordinances generally; meetings of city council. To pass all ordinances not contrary to the Constitution and laws of the state that may be necessary to carry out the full intent and meaning of this Act, and to accomplish the object of their incorporation. And this shall expressly include the power to fix, by ordinance, the date and hour of regular meetings of the city council. To enforce all aforementioned ordinances within the corporate limits of the City and upon property outside the City that is owned by the City, where the city council has established that such ordinances shall apply.

(27) Sewer connections; authority to prohibit cesspools, privies, etc. That said city council and/or the Morristown Utilities Commission is hereby empowered by ordinance to compel the owners of real estate fronting on, contiguous to, or bounded by any street or streets of said city, in which street or streets are laid water mains and sanitary sewers, to connect such surface closets or privies as may be maintained on said premises with said sanitary sewer, and to provide the flushing and cleansing of said closets and privies.

Said city council is further authorized and empowered to prohibit by ordinance, the maintenance of any cesspool, surface closet or privy on any premises fronting on, contiguous to, or bounded by any street or streets of said city in which street or streets are laid water mains and sanitary sewers.

Said city council is further authorized to fix by ordinance the time within which connections shall be made with sanitary sewers as above indicated, after notice so to do has been given, and shall have the right to determine and fix by ordinance the character of notice to be given and to prescribe the penalty for failure to observe and comply with said notice and are expressly authorized to take all necessary steps to enforce the discontinuance and removal of said cesspools, surface closets and privies within the limits and boundaries above set out.

Said city council is further authorized and empowered to declare the maintenance of cesspools, surface closets and privies within said districts above indicated, a public nuisance, and shall have the right to abate same in the manner provided by law, and particularly shall have the right to enjoin the continuance and maintenance of same.

(27a) Inoculation of dogs. To pass ordinances requiring owners and other persons having the custody of dogs within the corporate limits of the city, to have such dogs inoculated so as to render them immune from rabies.

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(29) Tax collector, records custodian. The office of tax collector and records custodian shall be filled by the city administrator, or in the event there be no city administrator, by the mayor. The city administrator or mayor, as the case may be, shall give a separate bond as records custodian, in an amount fixed by the city council, conditioned, to safely keep the records of the municipality, and to account for all monies received by said office as records custodian, and shall give another bond as tax collector of said municipality, the penalty thereof, to be fixed by the city council, which bond shall be conditioned to faithfully account for, and pay over to the proper parties, all monies received by him as tax collector for the municipality; said bond shall be approved by the city council and be entered of record in the minute book of the municipality.

Said officer shall collect all taxes of every kind and character due the municipality, and shall make reports to the city council as directed by it covering the receipt and disbursements of his office, showing the financial condition of the city.

He shall collect all taxes of every kind and character, due the said municipality, and shall make semiannual reports to the city council covering the receipt and disbursements of his office, showing the financial condition of the city. Said recorder and tax collector shall devote his time and attention to the performance of his duties, to the end that said duties shall be properly and efficiently performed. No other

business of any kind, either public or private, except that pertaining to the municipality shall be carried on by him in said municipal building.

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(34) Parking spaces for vehicles for hire, emergency vehicles and merchants' vehicles. It shall have power, in regulating the use of the streets of said City, to, by ordinance, designate and set apart parking space for taxicabs and other automobiles or vehicles used for hire; ambulances, automobiles, trucks or other vehicles of the police and fire departments, of said municipality, as well as trucks and vehicles used by merchants, and regulate the use thereof for certain specific purposes, for which use, in the discretion of the council, it may charge a reasonable fee.

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Sec. 7. Authority to fix due-date of taxes and penalties for nonpayment of same.

Said city council is hereby empowered to fix by ordinance the time when taxes for municipal purposes shall be levied and assessed, when same shall be due and payable, the manner in which same shall be assessed and collected, and provide for interest and penalties on same for nonpayment when due.

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Sec. 10. Original mayor and aldermen.

From the date of the passage of this Act, until the first Monday in January, 1905, the city council of said City of Morristown, shall be and consist of Ed. M. Grant, Mayor; John A. Rhea, E. J. Bettis, W. S. Myers, John B. McCord, J. W. Richardson and M. A. Goodson, Aldermen, or any successors that may be elected under the provisions of this Act, to fill any vacancies that may occur in said board by reason of the death, resignation or removal of any one or more of said mayor or aldermen.

Provided, also, that said city council above designated, shall remain in office until their successors are duly elected and installed.

Sec. 11. Collection of delinquent taxes, fines, etc., owed to prior corporation.

All past due and uncollected taxes, levied and assessed by board of mayor and aldermen of the late corporation of Morristown, or their legally authorized agents and officers, and all fines, penalties and other assets of said former corporation, are hereby declared to be the property of the municipality hereby created, and shall be collected by the city council of the municipality hereby created by their officers and agents, and applied to the use and benefit of said municipality under the ordinances and orders of said city council.

Sec. 12. Date of assessment of property: levy of taxes.

Said city council may cause an assessment of the property and polls within said municipality to be made as of January 10, 1903, and may levy such tax thereon as they may deem necessary for the purpose of sustaining the interests of said municipality.

Sec. 13. Boundaries of city.

The corporate limits of said city shall be as follows:

Beginning at a point in the eastern margin of the Economy Road where it intersects with the northern margin of U. S. Highway 11-E, said point of beginning being between the properties of W. J. Keith and W. C. Pettigrew; thence with the eastern margin of said Economy Road, north 3 degrees 52 minutes east 337.9 feet to a stake at Keith's northwestern corner; thence still with the eastern margin of said road, north 4 degrees 34 minutes east 440.2 feet; north 7 degrees 40 minutes east 207.4 feet; north 4 degrees 53 minutes west 98.3 feet; north 27 degrees 52 minutes west 521 feet to a stake in the eastern margin of the said Economy Road at the point where the same turns westwardly; thence north 29 degrees 34 minutes east 1217.9 feet to an iron pin at the extreme northwest corner of the Lyn-Mar Hills Subdivision; thence with the northern boundary of said Lyn-Mar Hills Subdivision, north 79 degrees 06 minutes east 1183.0 feet to an iron pin at a large oak tree, the northeast corner of said subdivision, and being also in the line of Fairmont Avenue, if projected; thence with said avenue, if projected, south 12 degrees 54 minutes east (passing the northwest corner of Mack Long at 29 feet), running, in all, 408.5 feet to a stake in the southern property line of Mack Long; thence with the said Mack Long's southern property line north 67 degrees 02 minutes east 690.0 feet to a stake on top of the hill; thence north 41 degrees 23 minutes east 1645.2 feet to a stake in the present corporation line where the same corners with John Shipley and W. J. Barron; thence with the present corporation line north 17 degrees 00 minutes west 919.8 feet to a stake; north 35 degrees 00 minutes east 377.7 feet to a stake in the present corporation line in the center of the road west of and near the colored cemetery; thence with the center of said road north 45 degrees 01 minute west 1513.8 feet to a stake at the end of the road in the southern line of the Housley property (Boyd Ewing called in temporary description); thence with Housley's line north 13 degrees 23 minutes east 138.9 feet to a stake; thence with the line of a fence down the west side of a drain and running through the Housley property north 55 degrees 26 minutes west 496.3 feet to a stake by a large black oak; thence north 29 degrees 20 minutes west 295.8 feet to a stake in the southern margin of the Havely Springs Public Road; thence with the southern margin of said road north 9 degrees 27 minutes east 234.7 feet to a stake; thence north 16 degrees 08 minutes east 845.7 feet to a point at the intersection of the southern margin of said Havely Springs Road with the old Long's Ferry or Turley's Mill pike; thence crossing said pike and thence with the projected center line of Algonquin Drive and with the center line of said Drive, south 17 degrees 10 minutes east 520 feet to a stake in the center of same midway between Choctaw Street and Mohawk Street of said Cherokee Hills Addition; thence with the back lot lines between said streets south 68 degrees 30 minutes west 587.8 feet to a stake near the top of the hill; thence running through Cherokee Hills Addition, south 18 degrees 34 minutes east 711.4 feet to a stake 300 feet north of the northern property line of Mrs. Mollie Turley; thence south 56 degrees 21 minutes west 928.5 feet to a stake 500 feet east of U. S. Highway 25-E and 300 feet north of the northern property line of Mrs. Mollie Turley; thence parallel to and 500 feet east of said U. S. Highway 25-E, south 42 degrees 44 minutes east 762.0 feet; south 37 degrees 38 minutes east 265.0 feet; south 31 degrees 25 minutes east 265 feet; south 23 degrees 30 minutes east 295.0 feet; south 9 degrees 45 minutes east 489 feet to a stake 500 feet east of U. S. Highway 25-E; thence due west 446.0 feet to a large elm 54 feet east of said highway at the junction of Old Springvale Road with U. S. Highway 25-E; thence crossing said U. S. Highway 25-E, Turkey Creek, and the Ashville Division of the Southern Railway Company, south 81 degrees 25 minutes west 260 feet to a stake in the western right of way line of said Southern Railway Company; thence with said western right of way of said railway north 15 degrees 28 minutes west 260.0 feet; north 30 degrees 00 minutes west 295.0 feet; north 44 degrees 10 minutes west 299.0 feet; north 47 degrees 15 minutes west 452 feet; thence still with said right of way north 40 degrees 47 minutes west 301. feet; north 45 degrees 19 minutes west 367.0 feet to a stake in the west right of way line of said Southern Railway Company at the Cold Springs Lane; thence leaving said right of way south 56 degrees 45 minutes west 1684.0 feet to a stake in the eastern boundary line of the Walter Brown property (said stake witnessed by a 14-inch locust tree which bears south 54 degrees 45 minutes west 51 feet); thence with said Walter Brown's property line north 41 degrees 30 minutes west 850.0 feet to a stake, corner of said Brown; thence north 87 degrees 30 minutes west 614.0 feet to a stake, corner of said Brown; thence north 87 degrees 00 minutes west 807.0 feet to a large poplar tree, corner to said Walter Brown, and situated in the southern edge of Linnie Avenue at the entrance of the lane leading to the home of said Walter Brown; thence with the southern edge of said Linnie Avenue, south 68 degrees 45 minutes west 801.0 feet to a point in the center of Sulphur Springs Road; thence south 44 degrees 27 minutes west

2787.7 feet to a stake in the center of Fairmont Avenue as extended, with the Jernigan Cemetery Road; thence with the northern side of said Jernigan Cemetery Road; south 89 degrees 30 minutes west 505.5 feet to a stake in the eastern edge of Valley Home Road or Old Dandridge Pike; thence north 40 degrees 30 minutes west 3859.0 feet to a stake in the eastern margin of the Economy Road in the south right of way line of the Knoxville Division of the Southern Railway Company; thence with the eastern margin of said Economy Road and crossing said Southern Railway and U. S. Highway 11-E, north 3 degrees 52 minutes east 1119.0 feet to the place of beginning.

Also, that property situated in the Fifth Civil District of Hamblen County, Tennessee, and more particularly described as follows:

Beginning at a stake in the eastern line of the Walter Brown property (said stake witnessed by a 14-inch locust tree which bears south 54 degrees 45 minutes west 51 feet); thence with said Walter Brown's property line north 41 degrees 30 minutes west 850 feet to a stake, corner to said Brown; thence north 87 degrees 30 minutes west 614 feet to a stake, corner to said Brown; thence north 87 degrees 00 minutes west 807 feet to a large poplar tree, corner to said Walter Brown and situated in the southern edge of Linnie Avenue at the entrance of the lane leading to the home of said Walter Brown; thence with the southern edge of said Linnie Avenue south 68 degrees 45 minutes west 801 feet to a point in the center of Sulphur Springs Road; thence leaving the present corporation line and running with the center of said Sulphur Springs Road and said Walter Brown's line south 24 degrees 30 minutes 1297 feet to a point in the center of said road; thence south 20 degrees 00 minutes east 221 feet to a point in the center of said road west of a large oak tree; thence running across said Walter Brown's farm north 65 degrees 00 minutes east 2285 feet to the place beginning. This survey embraces about seventy acres of land belonging to Walter Brown.

The boundaries as herein set out have been extended by the following annexation ordinances: 2288, 2289, 2290, 2293, 2294, 2295, 2296, 2299, 2305, 2306, 2307, 2308, 2309, 2313, 2318, 2328, 2329, 2330, 2331, 2338, 2358, 2373, 2374, 2382, 2409, 2410, 2418, 2419, 2439, 2443, 2444, 2445, 2446, 2481, 2482, 2512, 2567, 2609, 2628, 2653, 2681, 2682, 2683, 2684, 2690, 2704, 2705, 2477, 2717, 2722, 2723, 2725, 2726, 2732, 2733, 2740, 2744, 2745, 2848, 2850, 2855, 2866, 2867, 2879, 2881, 2884, 2894, 2914, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2951, 2955, 2966, 2968, 2972, 2979, 2980, 2991, 2992, 2995, 2996, 2997, 3045, 3046, 3049, 3050, 3057, 3058, 3059, 3060, 3061, 3062, 3070, 3074, 3077, 3079, 3090, 3096, 3098, 3109, 3110, 3111, 3120, 3125, 3126, 3130, 3131, 3138, 3133, 3134, 3136, 3137, 3142, 3143, 3144, 3156, 3174, 3175, 3180, 3183, 3184, 3185, 3186, 3187, 3188, 3195, 3201, 3207, 3208, 3216, 3217, 3218, 3225, 3228, 3229, 3230, 3233, 3235, 3240, 3241, 3246, 3249, 3260, 3262, 3263, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3286, 3287, 3289, 3290, 3291, 3296, 3304, 3308, 3309, 3310, 3311, 3323, 3334, 3336, 3346, 3347, 3348, 3349, 3353, 3354, 3405, 3409, 3422 and 3423.

Sec. 14. Debts and liabilities of former corporation.

All and singular of the debts and liabilities of the former corporation of Morristown, Tennessee, whether evidenced by bonds, warrants or otherwise, are hereby declared to be valid and subsisting debts of the corporation of Morristown, created by this Act; and shall be provided for and paid according to the provisions of the laws and ordinances providing for the creation of such debts, and the city council herein provided for shall have full power and authority to carry out the provisions of this section.

Sec. 15. Continuation of ordinances and resolutions.

All ordinances and resolutions of the former corporation of Morristown which were in force at the date of the abolishing of the charter of said former corporation are hereby declared to be in full force and effect as the ordinances and resolutions of the corporation created by this Act, until such time as the same shall be repealed, altered or modified by the authority of the city council of the corporation created by this Act.

Sec. 16. Continuation of former officers.

The officers and agents of the former corporation of Morristown are hereby declared to be officers and agents of the corporation created by this Act, until such time as they may be discharged or superseded by authority of the city council appointed by this Act.

Sec. 17. Transfer of property of former corporation.

All property, both real, personal and mixed, belonging to the late corporation of Morristown, is hereby declared to be the property of the corporation created by this Act.

Sec. 18. Codification of ordinances—Required every five years: admissibility as evidence.

There shall be prepared and published by the city council a digest or codification of all ordinances and resolutions of a public nature thereof every five years. Said digest or codification, when so published, shall show that it is published by authority of the corporate authorities, and it shall be received and read in all the courts of the state as evidence of the ordinances, resolutions and facts pertaining to the municipality and contained therein.

Sec. 19. Same—Continuation of former Code.

The last and present digest or codification of the ordinances and resolutions of a public nature of said municipality and published by the authority of the city council, are hereby declared to be the laws and ordinances of said city upon the matters touched upon therein, excepting such as have been repealed, altered or amended, since the publication thereof, and as such shall be received and read in evidence in all the courts of the state.

Sec. 20. Municipal Utility Extension.

Said municipality, "The City of Morristown", and/or the Morristown Utilities Commission, be, and hereby is given the power of eminent domain according to the law of the land and the laws and statutes of the State of Tennessee relative thereto, with full power, in accordance therewith, to condemn, for all municipal and corporate purposes, both within and outside the municipal boundaries, lands, and easements, including right of way for city- or commission-owned utility systems, including but not limited to grounds and sites for pumping stations and for the manufacture of electricity and for the manufacture and transmission of electricity either or both; water sites, springs, lands and grounds for the erection of all necessary plants for said purposes; also all necessary grounds and rights of way to and from streams, for water and manufacture of electric power, either or both; to erect, dig or prepare reservoirs for water; to build, enlarge and improve light and power stations alone or in connection with the waterworks system; to build, enlarge, or improve sewerage collection systems, pumping and treatment plants and facilities; and also, through itself, or its electric light and waterworks commissioners, according to existing laws, sell water and manufacture, transmit and sell electricity for all water, electric power and light purposes to sell sewerage treatment services, and/or to provide telecommunications service purposes, to patrons and purchasers thereof within and without the municipality.

For all the foregoing purposes and agreeable to the laws of the land and the statutes applicable thereto, the power of eminent domain is conferred upon said municipality.

ARTICLE II. Civil Service for Fire and Police Departments

Sec. 1. Civil service board created: Membership; appointment, term of office, salary, qualifications and removal of members; notice of meetings; quorum.

(a) There is hereby created a system of civil service for the City of Morristown. A civil service board, shall consist of three members and shall administer the system of civil service. One (1) member of such board shall be elected by the governing body or the city or Morristown and one (1) member shall be elected by the members of the classified service, i.e., members of the fire department, members of the police department, in a joint election. Such member shall receive a majority of the votes of the members of the classified service. The member selected by the governing body of the City of Morristown and the member selected by majority vote of the classified service shall then select the third member of the Board within ten (10) days after such members' appointment and selection. Provided, that if the two (2) members appointed and selected shall fail to agree relative to the third board member within ten (10) days after their appointment, the governing body of the City of Morristown shall appoint four (4) citizens to meet and confer with four (4) other citizens appointed by the members of the classified service. This joint committee of eight (8) shall meet, within ten (10) days, and appoint a person who shall serve as the third member of the Board.

(b) The three (3) members of the Board shall serve as board members for a period of three (3) years, or until their successors are appointed and qualified. On or before the expiration of the term of each board member, such board member's successor shall be selected in the same manner as the prior selection of such board member whose term is expiring.

(c) Per diem payment to Board members for attendance at Board meetings or other means of compensating service may be authorized and changed by ordinance of the City Council. No person shall be appointed a member of such board who is not a citizen of the United States, a resident of the City of Morristown, Tennessee, for at least one (1) year immediately preceding such appointment, and a registered voter of Hamblen County. No member of the classified service or any council member of the City of Morristown, may be a member of the Board.

(d) Any member of the Board may be removed from office by the governing body of Morristown for incompetency, dereliction of duty, malfeasance in office or upon conviction of any crime involving moral turpitude. Provided, however, that no member of the Board shall be removed until written charges shall have been made, with due notice, and a full public hearing shall have been conducted before the governing body of the City of Morristown.

(e) The members of the Board shall devote adequate time and attention to the performance of the duties of the Board. Two (2) members of the Board shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the Board under and by virtue of the provisions of the act.

(f) Provided, however, that due notice of all meetings shall be given so that all three (3) board members may have an opportunity to be present. Confirmation of original or succeeding board members by the legislature shall not be required.

Sec. 2. Persons subject to civil service.

The provisions of this act shall apply to (a) all full-time law enforcement officers certified as such by the Peace Officers Standards and Training Commission and (b) all full-time fire department personnel holding the classification of firefighter driver, inspector, lieutenant, captain, battalion chief, and assistant or deputy chief in the City of Morristown. The chiefs of the police and fire departments may be hired directly by the city governing body without approval of the Civil Service board. The chiefs shall not be members of the classified service except to the extent that a two-thirds (2/3) vote of the governing body shall be required to dismiss, suspend or demote the chief of either department, which action shall not be reviewable by the Board. All such persons shall be known as the classified service. All other city employees shall be known as the unclassified or civilian service.

Sec. 3. Appointments and promotions.

All future appointments to and promotions in such departments, except as otherwise provided in this act, shall be made on the basis of filling the position with the best qualified candidate, using the following methods:

Subject to the standards set forth in this act, the city governing body shall meet with the Board and formulate minimum requirements and weighted selection criteria for each position in the classified service. As soon as possible, but in no event later than sixty (60) days after the passage of this act, the city and the Board shall jointly adopt minimum requirements and weighted selection criteria, the latter of which shall include percentage allocations for at least the following: Seniority, experience, training, testing, education, record of conduct and recommendations of the chiefs of the respective departments. If the city governing body and the Board are unable to agree upon such minimum requirements and weighted selection criteria, the city administrator, chairman of the civil service board and a person designated by the director of the municipal technical advisory service shall adopt such requirements and criteria by affirmative vote of two (2) of the three (3) persons so designated, and certify such vote in writing to the city and board. Such requirements and selection criteria shall immediately become effective. Standards, when set, shall remain in effect until altered by joint action of the city and board. After the enunciation of such standards, a roster shall be kept by the board of all full-time personnel in the classified service indicating what job classifications within each respective departments such personnel are eligible to fill. A roster shall also be kept on all applicants to become members of the classified service with appropriate indication of what job classifications such applicants are eligible to fill.

After the enunciation of such standards, no vacancy shall be filled except by a person on the roster of persons having the requisite qualifications to fill such vacancy.

If any vacancy shall occur within any branch of the classified service, the governing body shall only award the position to the individual on the roster determined to be best qualified from among those in such position on the relative roster as described in Section 10, herein. In determining who is best qualified, the city governing body shall consider seniority, experience, training, testing, education, record of conduct, and recommendations of the chiefs of the respective departments. No person shall be reinstated in, or transferred, suspended or discharged from any place, position or employment in the classified service contrary to the provisions of this act.

Sec. 4. Functions and duties of civil service board; officers of board; meetings of board.

Be it further enacted. The board shall organize by forthwith electing one of its members as chairman and shall hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of its duties.

The board shall appoint a secretary who shall keep its records, preserve all reports made to it, superintend and keep a record of all examinations and perform such other duties as the board may prescribe.

It shall be the duty of the board:

- (a) To make suitable rules and regulations not inconsistent with the provisions of this Act. Such rules and regulations shall provide in detail the manner in which examinations may be held and appointments, promotions, transfers, demotions, reinstatements, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration; such rules and regulations shall include the methods used in determining the standard for each job classification in the classified service. These rules and regulations may be changed from time to time by the board and shall be printed or otherwise made publicly available.
- (b) The rules and regulations shall include provisions so that seniority may not be lost by any person holding a position in the classified service, if such person leaves the classified service to enter the military service of the United States, provided that such person returns to the classified service within six months following his honorable discharge from such service. In such cases the period of military service shall be included in the period of seniority of such person.
- (c) The board shall make investigations and report upon all matters touching the enforcement and effect of the provisions of this Act, and the rules and regulations prescribed hereunder, inspect all institutions and employment affected by this Act, and ascertain whether the Act and all such rules and regulations are being obeyed. Such investigations shall be made by the board on its own motion and must

also be made on petition of any citizen duly verified stating that irregularities or abuses exist, or setting forth in writing the necessity for such investigation. In the course of such investigation, the board shall have the power to administer oaths, subpoena and require the attendance of witnesses, and require the production of books, papers, documents and accounts appertaining to the investigation. The failure upon the part of any person to comply with such subpoena or demand shall be a violation of this Act and be punishable as such.

(d) All hearings and investigations before the board shall be governed by this Act and by the rules of practice and procedure to be adopted by the board. The board, or its designated hearing officer, shall not be bound by technical rules of evidence. No formality in any procedure or hearing shall invalidate any order, decision, rule or regulation made or approved by the board; provided, however, that no decision shall be binding unless concurred in by at least two of the board members.

(e) To hear and determine appeals or complaints relative to the allocation of positions, the determination of job changes, the furnishings of rosters and the position of members of the classified service, and of applicants on such rosters, and such other matters relating to the administration of this Act as may be referred to the board.

(f) To see that the job classifications, the standard for filling said classifications and the roster of eligible appointees for each classification are kept continuously up to date, and posted in the respective departments of the classified service. Said rosters shall show name, rank and number in their proper order according to the scoring mechanism established for eligible appointees to each job classification. Terms of leaves of absence granted by the board hereby created upon recommendation of the chief of each department shall not forfeit the rights of the member granted leave under this Act nor be charged against such member in his order of seniority.

(g) To make provisions that men laid off because of curtailment of expenditures, reduction in force, and for like causes, shall be the last man, or men, including probationers, that have been appointed to the respective department of the classified service. Rules and regulations shall provide that men so laid off shall be reinstated before any new appointments to said department shall be made.

(h) To keep the appointing authority notified of the person highest on each eligible list for appointment to each vacancy that may occur.

(i) To keep such records as maybe necessary for the proper administration of this Act.

Sec. 5. Reserved.

Sec. 6. Qualification of applicants.

Be it further enacted

(a) Citizenship. An applicant for a civil service position of any kind under the classified service must be a citizen of the United States, who can read and write the English language.

(b) Character and fitness. Every applicant for a position in the classified service must, in addition to such minimum standards as are stated by the board, also be of ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the board may deem advisable.

Sec. 7. Tenure of office; grounds for demotion, suspension or discharge.

Be it further enacted. The tenure of everyone holding office, place, position or employment under the provisions of this Act shall be for and only during good behavior. Any such person may be removed or discharged, suspended without pay, demoted or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons, but for no other reasons:

(a) Dishonesty, intemperance, immoral conduct, insubordination, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to conduct himself properly; or any willful violation of the provisions of this Act or the rules and regulations to be adopted hereunder.

- (b) Conviction of a felony, or a misdemeanor involving moral turpitude, or a misdemeanor reflecting upon ability to perform public service or one for which a jail sentence is or may be imposed.
- (c) Any other act or failure to act which, in the judgment of the board, is sufficient to show the offender to be an unsuitable and unfit person to be employed in the classified service.

Sec. 8. Removal of members from civil service.

- (a) No person in the classified civil service who shall have been permanently appointed or inducted into civil service under the provisions of this act shall be removed, suspended or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation shall be served upon the accused, and a duplicate filed with the Board. The chief of the fire department or the chief of the police department may suspend a member of the department pending the confirmation of the suspension by the regular appointing power under this act which must be within twenty-one (21) days. Any person so removed, suspended or discharged may within twenty (20) days from the time of his removal, suspension or discharge file with the Board a written demand for an investigation, whereupon the Board shall conduct such investigation.
- (b) The investigation shall be confined to the determination of whether such removal, suspension or discharge was or was not made for political reasons and was or was not made in good faith for cause. After such investigation, the Board shall deliberate and may affirm the action taken, or if it shall find that the removal or suspension was made for political reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended or discharged, which reinstatement shall, if the Board so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension or discharge. The findings of the Board shall be certified in writing to the appointing power and shall be forthwith enforced by such authority.
- (c) All investigations made by the Board pursuant to this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded the opportunity to appear in person with counsel or by counsel and to present a defense. At any such hearing the testimony of all witnesses shall be taken in writing and a record shall be made of all proceedings.

Sec. 9. Duty of city officers and employees to assist board.

- (a) It shall be the duty of the City Administrator to assign sufficient staff of the City of Morristown to carry out the provisions of this act, and such rules and regulations consistent with this act, as may, from time to time be prescribed by the board and to afford the Board, its members and employees, all reasonable facilities and assistance in the inspection of all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions, papers, documents and accounts relevant to the duties of the board. It shall be the duty of such officers and employees to attend and testify whenever required by the Board or any member thereof.
- (b) The board shall not promulgate any rule or regulation under authority of the act or make any appointments or promotions which are inconsistent with any state or federal guidelines or standards, or inconsistent with any rules or regulations of the appropriate accreditation agencies which certify or accredit the police and fire departments of the city pursuant to state or federal law or the standards required of a nongovernmental agency which have been accepted by the city governing body. If a rule or regulation of the Board appears to the city governing body to be inconsistent with such standards, the city shall submit the question to the applicable agency, if any, promulgating such standards for an opinion relative to the apparent inconsistency. Such opinion, if received within ninety (90) days of submission in writing from such agency shall be the basis upon which the board and/or the governing body shall amend said rules or regulations in order to comply. Should such opinion not be provided within ninety (90) days, the city governing body, in its sole discretion, shall determine if such rules or regulations are inconsistent with such standards, and in the event such determination is in the affirmative, the rule or regulation shall be void, upon duly adopted resolution of the city.

Sec. 10. Certification of names for vacancies; eligible lists; probationary employment.

- (a) When a position in the classified service becomes vacant, whether entry level or promotional, the governing body of the City of Morristown shall make requisition upon the board for the names of three (3) persons eligible for appointment. The board shall certify the names of the three (3) persons highest on the eligible list willing to accept employment.
- (b) In the event of two (2) or more promotional vacancies for the same position, two (2) additional names shall be certified for each such additional vacancy.
- (c) Promotional appointees shall serve on probation during the first six (6) months of employment, and may be transferred back to such appointee's former position for good cause by the governing body, in its discretion. Such action shall not be reviewable by the Board. In such event, the employee shall re-qualify for the promotional roster before being eligible for promotion.
- (d) Whenever a requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the governing body shall appoint a person from among the persons so certified for such position.
- (e) Notwithstanding any provision of the Civil Service Act to the contrary, the chiefs of the respective departments, with the approval of the governing body, shall be empowered, upon proper certification by the board of the eligibility of a new (non-classified service) applicant for a position in the classified service, to appoint such person to such position for a period of six (6) months plus the required time for formal entry level training as defined by departmental policy, but not to exceed a total of fourteen (14) months, during which time the applicant shall be on probation and subject to removal for just cause shown at any time during the probationary period. If the governing body in its discretion deems such person on probation unfit and unsatisfactory for such position, such person on probation may be dismissed. Any action taken by such governing body with respect to the dismissed applicant or probationer shall not be reviewable by the Board. In the event of dismissal of such applicant or probationer for reasons satisfactory to the governing body of the city of Morristown, the board shall again certify the names of the persons on the eligible list as the same shall appear from the records of the board. Notwithstanding the foregoing, a departmental chief may request and the civil service board may grant, at its sole discretion, an extension of the probationary period of up to sixty (60) additional days.
- (f) The chiefs of the respective departments may make lateral assignments of personnel. A lateral assignment shall be an assignment which is not accompanied by changes in wages, clothing allowance, vacation accrual, sick leave accrual or incentive pay.

Sec. 11. Leave of absence without pay.

Be it further enacted. Leave of absence, without pay, may be granted by the board upon the recommendation of the chief of the fire department or the chief of the police department, and the board shall give notice of such leave of absence to the governing body. All temporary employment caused by leaves of absence shall be made from the eligible list of classified civil service of the department concerned.

Sec. 12. False marking, grading, etc., of examinations, etc., prohibited.

Be it further enacted. No board member or any other person, shall, by himself, or in cooperation with one or more persons, defeat or deceive any person in respect of his right of examination or registration according to the rules and regulations of this Act, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this Act or aid in so doing, or make any false representation concerning the same or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or persuade any other person, or permit or aid in any manner any person to personate any other person, in connection with any examination or registration or application or request to be examined or registered.

Sec. 13. Political activities; prohibited; religious and political discrimination prohibited.

Be it further enacted.

(a) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to the employment in the classified service because of his political or religious opinions, but all employees must take an oath to support the Constitution of the United States.

(b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

(c) No person shall use or promise to use, directly or indirectly, any political or official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service or an increase in pay or other advantages in employment in any such position either for the purpose of influencing the vote of political action of any person, or for any consideration, or otherwise.

(d) It shall be the duty of the board to supervise the execution of the foregoing civil service provisions of this Act and the rules made thereunder, and it shall be the duty of all persons under the provisions of this Act and in the service of the police and fire departments to comply with such rules and to aid in their endorsement.

Sec. 14. LEFT BLANK INTENTIONALLY

Sec. 15. Compliance with Act.

Be it further enacted. The failure on the part of the board, or any member thereof or on the part of the governing body of the City of Morristown, or any member thereof, to comply with the terms of this Act shall be considered a violation of this Act and shall be punishable as such.

Sec. 16. City to furnish board with accommodations and equipment; employment or clerical, administrative, etc., assistance.

Be it further enacted. The governing body of the City of Morristown shall provide the board with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the board and shall either provide directly or provide the funds for the payment of such necessary clerical, administrative, actuarial and legal assistance as may be employed by the board. Said accommodations, equipment, employment, or other assistance shall be requested of the City Administrator, who shall facilitate the same with available resources or through additional allocation requested to the governing body; and the failure on the part of the governing body to do so shall be considered a violation of the Act and shall be punishable as such.

Sec. 17. Appropriations by city council; appointment of original board.

Be it further enacted. The governing body of the City of Morristown shall have authority to appropriate from the general funds of said city a sum sufficient to carry out the purposes of this Act, and shall make such appropriation. Within thirty days after the effective date of this Act, it shall be the duty of the governing body of the City of Morristown, subject to the provisions of this Act, to appoint and create the board, as provided in section 1 hereof, and the failure upon the part of said governing body, or any member of it so to do, shall be deemed a violation of this Act and shall be punishable as such.

Sec. 18. Organization of original board.

Be it further enacted. It shall be the duty of the board appointed subject to the provisions of this Act to organize immediately and to see that the provisions thereof are carried into effect, and to make suitable

rules and regulations to effect said purposes; and the failure upon the part of said board, or any individual member thereof so to do, shall be deemed a violation of this Act and shall be punishable as such.

Sec. 19. Penalty for violation of Act.

Be it further enacted. Any person who shall willfully violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than twenty-five, or more than five hundred dollars, or by imprisonment in the county jail for not longer than eleven months and twenty-nine days or by both such fine and confinement in the county jail.

Sec. 20. Repeal of conflicting laws.

Be it further enacted. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

Sec. 21 Severability of Act.

Be it further enacted. That the provisions of this Act are hereby declared to be joint and severable and the invalidating of any section shall not affect the validity of the remaining sections, which shall remain in full force and effect.

Sec. 22. Effective date.

Be it further enacted. That this Act shall take effect October 1st, 1955, provided, however, that it shall not be valid, or have any effect until it has been ratified and approved by a two-thirds majority of the governing body of the City of Morristown, after its final passage by the General Assembly.

ARTICLE III. Morristown Utilities Commission

Sec. 1. Name change; membership; appointment of members.

(a) Name—Authority. The Board of Electric Light and Waterworks Commissioners is hereby designated the Morristown Utilities Commission. Said Utilities Commission shall have authority to manage and control the electric power and water utilities and, subject to city council approval, all other municipal utilities of the City of Morristown, Tennessee, which are both within and without the corporate limits of the City, all in accordance with and subject to the requirements of state and federal laws, rules and regulations.

(b) Membership; Appointment; Term. The commission shall consist of five (5) persons to serve five (5) year terms. In order to facilitate an orderly transition with respect to expansion of membership and term of office, the present terms shall be modified in the following manner:

Term Expiring	Modified to Expire
July 31, 2001	July 31, 2006
July 31, 2002	July 31, 2005
July 31, 2003	July 31, 2004

In addition to the enumerated modifications, there shall be two (2) additional commissioners to be appointed to increase the commission to five (5) members.

Each of the additional commissioners shall be appointed in accordance with the procedures provided herein for nominations. The first new appointment shall be made for a term beginning August 1, 2001 and expiring July 31, 2002. The second new appointment shall be made for a term beginning August 1, 2001 and expiring July 31, 2003. All subsequent terms of all commissioners shall be for five (5) years.

(c) (1) Prior to the first day of July in each year, the commissioners shall submit to the Mayor a list of three (3) nominees for the commission seat expiring as of July 31st. The Mayor shall within thirty (30) days of submission of such nominees select from these names a nominee. A majority vote of the City Council shall be necessary for the election of such nominee as a commissioner. Should the City Council fail to take action to either approve or disapprove a nominee within a period of thirty (30) days following notice of such nomination to the City Council, the nominee shall be deemed elected.

(2) (A) In the event that the City Council takes action within such thirty (30) day period but a nominee does not receive a majority vote of the City Council, the nomination procedure shall be repeated except that the commissioners shall have fourteen (14) days from notice of the City Council that a nominee did not receive a majority vote of the City Council in which to submit the names to the Mayor of three (3) nominees, which may include two (2) of the three (3) names not previously selected and submitted by the Mayor to the City Council.

(B) If a nominee is not selected from the second list submitted to the City Council by the Mayor under the procedure established in subdivision (A), a third and final list of nominees shall be submitted to the Mayor by the commissioners within the time period established for submitting the second list of names. If a nominee is not selected from the third list submitted to the City Council by the Mayor under the procedure established in subdivision (A), the provisions of subdivision (3) shall take effect.

(3) (A) The commissioners shall submit directly to the City Council a list of three (3) nominees for the commission seat expiring as of July 31st .

Such names shall be submitted to the City Council within fourteen (14) days from notice of the City Council that a nominee from the third list submitted by the Mayor to the City Council did not receive a majority vote of the City Council. The City Council shall have thirty (30) days from the date the list is submitted to the City Council to take an action to approve a nominee from the fourth list. The nominee receiving the highest number of votes from the City Council shall be the nominee. However, if a tie vote occurs between two (2) of the names submitted, the name of the nominee who received the fewest votes shall be eliminated and the City Council shall vote on the remaining two (2) nominees with the nominee receiving the highest number of votes being declared the nominee.

(B) If the City Council fails to take action to either approve or disapprove a nominee within such thirty-day period, the Mayor shall select the nominee from the list of three (3) names submitted to the City Council to be the commissioner.

(4) In the event of a vacancy during the term, said vacancy shall be filled for the remainder of the term in accordance with the procedures provided in subdivision (1) through (3) for nominations, and the commission shall make its nominations to the Mayor within thirty (30) days of the occurrence of the vacancy to commence the election process.

Sec. 2. Qualifications of commissioners; oath and bond; compensation; removal of commissioners; commissioners not to hold other office.

The commissioners shall be residents of said municipality, and reside within the corporate limits thereof. Said commissioners shall be elected by the city council as hereinbefore provided. Said commissioners, before entering upon their duties, shall make and subscribe an oath in writing to faithfully discharge their duties as such commissioners, and each will give bond in such sum as the corporate authorities may require, payable to the State of Tennessee, conditioned for the careful and faithful performance of their duties as such commissioners, and upon said bonds a right of action will be in the name of the State for the use of the party or parties aggrieved by any neglect of duty on the part of said commissioners. Said commissioners shall receive such compensation as the city council may determine, and any and all of them may be removed from office by the city council for malfeasance or misfeasance therein. No person holding any other office pertaining to said city shall be eligible for the office of commissioner.

Sec. 3. Chairman and secretary; quorum; records to be kept; powers and duties generally.

The commissioners, upon their election and qualification, shall organize by selecting one (1) of their number chairman and one (1) secretary. A majority of the commissioners shall constitute a quorum for the transaction of business, and all matters to be determined by them shall be determined by a majority vote, and they shall keep a record of all their transactions in a well-bound book, which shall be open, on demand, to the inspection of any and all citizens and taxpayers of the City of Morristown. Said utilities commissioners shall have charge and supervision of the electric light and water works systems of the corporation and with prior approval of city council, telecommunications, natural gas, ISP and CATV services and any other utility service, and shall have full power to make all contracts necessary to the operation thereof, employing such help as may be necessary, and fixing the salaries of all employees, and fixing rates for such services, and through their secretary, collect the same, it being the intention hereby to make said utility commissioners a separate and independent body for the performance of the duties of the positions to which they are elected. The fees or proceeds arising for the use of the various utilities, when collected, shall be kept separate from the other as a separate enterprise fund to be applied to the operation of each particular utility. The net proceeds of each utility shall only be liable for the debts and liabilities of that particular utility hereafter occurring, but the property of commission and proceeds thereof shall be liable for any debts heretofore contracted. Said commissioners will make reports at least annually to the city council, setting out in said report separately the receipts and disbursements of each of said utilities, and reciting therein all business transacted by them since the date of their last report.

Sec. 3A. Action of board of utilities commissioners may be by resolution.

Any and all action required or authorized to be taken under this Act by the board of utilities commissioners, except as statute or regulating authority may otherwise prescribe, may be by resolution, which resolution may be adopted at the meeting of the board at which such resolution is introduced, and shall take effect immediately upon adoption.

Sec. 3B. Repeal of conflicting Acts.

That all Acts or parts of Acts in conflict with this Act be and the same hereby are repealed.

Sec. 4. Authority to construct, expand, and operate municipal utilities; power of condemnation; other powers.

The utilities commissioners of the City of Morristown may create, construct, expand, enlarge, extend, and operate the municipal utilities they are authorized to operate to such point or points within or without the corporate limits of the City of Morristown in conformity with general law and as in their discretion may be deemed necessary or desirable. In order to expand, enlarge and extend said municipal utilities, the utilities commissioners and/or the city council for the City of Morristown is hereby, authorized and empowered to acquire either by purchase or condemnation all real estate necessary or proper to expand and extend said utilities. This shall include, but not be limited to any spring or springs of water, pump stations, rights of ways to and from such springs or pump stations, and for necessary pipe lines for conveying water either outside or within the corporate limits of said city; and it may take and appropriate such lands and grounds upon which are located springs of water, together with such quantity of land surrounding said watering places, as may be necessary or proper for the proper protection of such springs of water and for the location of pump stations and for rights of way for water mains, pipes, and other devices that may be necessary or proper for conveying currents of water in the operation of said waterworks system, and the utilities commissioners and/or the city council for the City of Morristown is hereby vested with full power and authority to acquire by purchase or condemnation proceedings the riparian rights of lower landowners along any stream, the spring or upper portion of which is acquired or the water from which is used under the provisions of this Act. Additionally, the utilities commissioners and/or the city council for the City of Morristown is hereby, authorized and empowered to acquire, by purchase or the exercise of the right of eminent domain, any property or easements or other right or interest in property necessary for the construction, reconstruction, extension or enlargement of a sewerage

system whether such property be within or without the city or partially within and partially without the city.

That if it shall become necessary to condemn any private property for the use set out in this section of this Act, the utilities commissioners and/or the city council for the City of Morristown shall direct the general manager of the Morristown Utilities Commission, the mayor or some other administrative officer or the attorney for the Morristown Utilities Commission and/or the City of Morristown to proceed in the name of the Morristown Utilities Commission and/or the City of Morristown to have said property or right of way appropriated as provided for the taking of private property for works of internal improvements as stated in the general laws and Code of the State of Tennessee.

Additional powers of the Morristown Utilities Commission include:

- a) To fix, levy and collect fees, rents, tolls, or other charges for connecting to and for the use of each utility service.
- b) To make contracts and execute instruments containing such terms, provisions and conditions as in the discretion of the board of utilities commissioners may be necessary, proper or advisable for the purpose of obtaining a grant, loan or other financial assistance from any federal agency or from the State of Tennessee by virtue of any Act of Congress or Act of the Legislature of Tennessee.
- c) To make all contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of the construction, expansion, rehabilitation, and/or operation of each utility service.
- d) To enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in or for the furtherance of the construction of its utility functions.
- e) To require the owner, tenant or occupant of each lot or parcel of land which abuts upon a street or other public way containing a sanitary sewer upon which lot or parcel a building exists for residential, commercial or industrial use to connect such building with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste or other polluting matter.
- f) To require the owner, tenant or occupant of each lot or parcel of land who is obligated to pay the charges made for the utility service(s) furnished to make a reasonable deposit in advance to insure the payment of such charges.
- g) To discontinue any services of the system to any owner, tenant, or occupant obligated to pay the charges made for the service furnished by the utility in the event of failure to pay for said services of the system.
- h) Perform any acts authorized under this act or otherwise authorized by the laws of the State of Tennessee.

Sec. 5. LEFT BLANK INTENTIONALLY

Sec. 6. Effective date.

Be it further enacted. That this Act take effect from and after its passage, the public welfare requiring it.

ARTICLE IV. Hotel Occupancy Tax

Sec. 1. Definitions.

As used in this Act, unless a different meaning clearly appears from the context, the following definitions shall apply:

- (a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business, trust receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (b) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp, tourist cabin, motel or any place in which rooms, lodgings, or accommodations are furnished to transients for a consideration.

- (c) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (d) "Transient" means any person who exercises occupancy or is entitled to occupancy for any room, lodgings, or accommodations in a hotel for a period of less than ninety (90) continuous days.
- (e) "Consideration" means the consideration charged whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
- (f) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

Sec. 2. Tax levied.

The City of Morristown is hereby authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient up to a maximum rate of seven percent (7%) of the consideration charged by the operator. Said tax so imposed is a privilege tax upon the transient occupying said room and is to be collected and distributed as hereinunder provided.

Sec. 3. Operator's responsible for collecting tax.

Said tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel, such invoice to be given directly or transmitted to the transient, and shall be collected by such operator from the transient and remitted to the City Recorder of the City of Morristown.

Sec. 4. Tax due date.

The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms to the City Recorder of the City of Morristown, to be remitted to such officer not later than the 20th day of each month next following collection from the transient.

Sec. 5. Occupant responsible for paying tax.

No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator, or that it will be added to the rent, or that, if added, any part will be refunded.

Sec. 6. Delinquent taxes.

Taxes collected by an operator which are not remitted to the City Recorder on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and in addition for penalty of one-half of one percent (1/2 of 1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction by a fine not less than twenty-five dollars (\$25) nor in excess of fifty dollars (\$50). The fine levied herein shall be applicable to each individual transaction involving lodging services paid by a customer to the operator in those cases when the operator fails or refuses to pay the tax payable to the City Recorder.

Sec. 7. Operators duties.

It shall be the duty of every operator liable for the collection and payment of this tax, to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax for whose

collection and payment to the municipality he may have been liable, which records the City Recorder shall have the right to inspect at all reasonable times.

Sec. 8. Illegal assessment and collection.

In administering and enforcing the provisions of this Act, the City Recorder shall have as additional powers the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, Title 67, or otherwise provided by law.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Section 67-2313, it being the intent of this Act that the provisions of law concerning the recovery of erroneous tax payments to municipalities shall apply to the tax collected under the authority of this Act; provided, the City Recorder shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-2301, with respect to the adjustment and settlement with taxpayers of all errors of taxes collected by him under the authority of this Act and to direct the funding of the same. Notice of any tax paid under protest shall be given to the City Recorder, and suit for recovery shall be brought against him.

Sec. 9. Uses of collected taxes.

The proceeds from the tax levied herein shall be retained by the municipality and deposited in the general funds of the municipality; however, twenty-five percent (25%) of the tax levied may be used to promote the development of tourism in the municipality. Proceeds of this tax may not be used to provide a subsidy of any form to any hotel or motel.

Sec. 10. Occupancy tax to be in addition to other taxes and fees.

The tax herein levied shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

Sec. 11. City recorder to enforce.

The City Recorder shall have the power to make and publish reasonable rules and regulations not inconsistent with this Act or other laws, for the enforcement of the provisions of this Act and the and the collection of revenues hereunder. Further the City Recorder shall design, prepare, print and make available to all persons who are subject to this Act, all necessary forms for filing returns and instructions to insure full compliance with the provisions of this Act.

Sec. 12. Ratification.

This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Morristown. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of the City of Morristown and certified by him to the Secretary of State.

Sec. 13. Effective date.

For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other proposes, it shall become effective upon being approved as provided in Section 12.

SECTION 2. This act shall become effective when it has been approved by the Morristown City Council by a vote of not less than two-thirds of the entire membership of the governing body within sixty (60) days of its signing by the governor of this state.

The approval or non-approval of the act by the City Council shall be certified by the mayor to the Tennessee Secretary of State.

WHEREUPON, the Mayor declared the Resolution adopted, affixed a signature and the date thereto, and directed the same be recorded.

PASSED on the _____ day of _____, 2023.

Gary Chesney, Mayor

Attest:

Anthony W. Cox, City Administrator

CHARTER OF THE CITY OF MORRISTOWN, TENNESSEE¹

CHAPTER 103

Senate Bill No. 150

AN ACT to incorporate the City of Morristown in Hamblen County, Tennessee.

ARTICLE I.

Sec. 1. Incorporation.

The inhabitants of the City of Morristown, as the same extends and is laid out, are hereby constituted a corporation and body politic, by the name and style of the "City of Morristown," and by the same name shall have perpetual succession; shall sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever, may purchase, receive and hold property, real and personal in their said city, and may sell, lease or dispose of the same for the benefit of said city; and may purchase, receive and hold property, real and personal, beyond the limits of the city, ~~to be used for the burial of the dead for corporate purposes~~; and may sell, lease or dispose of such property for the city; and to do all other acts ~~touching the same~~, as natural persons. They shall have and use a common seal and change it at pleasure. They may own and control a waterworks system, electric light plant, gas plant and public school buildings and equipment.

(Priv. Acts 1967, ch. 487, § 1)

Sec. 2. City council.

There shall be a city council, which shall consist of a mayor and six (6) council members, who shall be elected by the qualified voters of the city to serve for a term of four (4) years, and until their successors are elected and qualified, ~~except that the at large council member receiving the lesser number of votes of the two (2) at large~~

¹Cross reference(s)—Priv. Acts 1903, ch. 103 is the present basic Charter Act for the City of Morristown. This Act has been amended on numerous occasions since 1903. Many of the amending Acts revised or deleted specific sections of the 1903 Act. They have been incorporated in to the 1903 Act as set out here. Other Acts, however, were general amendments which did not expressly or in effect amend any particular section or part of the 1903 Act, but, in effect, supplemented it. These Acts have been placed after the basic Charter Act as "Related Private Laws." These Acts have also had their amendments incorporated. The basic Charter Act and related private laws should be considered together to determine what the current law is.

Bond authorization and validation Acts, since of a temporary nature with no general or continuing application, have not been included in this compilation. All private Acts through the 2014 session of the general assembly which relate to the city and which have been passed since the granting of the present basic Charter Act (including one—Priv. Acts 1901, ch. 392—which was passed before the granting of the basic Charter Act) have been enumerated for reference purposes at the end of this compilation of the Charter and related private laws.

~~council members shall serve one (1) term of two (2) years commencing the second Monday in May of 2003 and expiring the second Monday in May 2005, thereafter said term to be four (4) years.~~

No person shall be elected to the council ~~or to the office of mayor~~ unless they are at least twenty-one (21) years of age by the election date, a citizen of the State of Tennessee, and a bona fide resident of the city for at least one year immediately preceding the election date. ~~One (1) council member shall be elected from each of the four (4) wards of the city, as said wards are modified by reapportionment, which reapportionment shall be accomplished by the governing body based upon the 2000 census and shall thereafter be accomplished as required by law, and such council member shall be a resident of that ward, and two (2) All council members and the mayor shall be elected at large and may reside in any city ward, but all of the council members shall be voted for and elected by the voters of all wards of the city.~~

Any person elected to the city council who removes from the city shall thereby vacate his office.

Before entering upon the duties of office, the mayor and council members shall take an oath to faithfully demean themselves in office, and perform the duties thereof. All vacancies in the council, including the office of mayor, shall be filled by a vote of a majority of the remaining members thereof, to serve until the ~~second Monday of May following the~~ next city election for members of council.

(Priv. Acts 1907, ch. 502, § 1; Priv. Acts 1945, ch. 266, § 1; Priv. Acts 1947, ch. 206, § 1; Priv. Acts 1967, ch. 487, § 1; and Priv. Acts 1978, ch. 269, § 1; Priv. Acts 2000, ch. 138, § 1; Priv. Acts 2001, ch. 4, § 1)

Sec. 3. Biennial elections; qualifications of electors; qualifications and duties of mayor.

~~Beginning in the year 2003, the council members representing the second and fourth wards, the mayor and two (2) at large council members shall be elected at elections to be held on the first Tuesday in May for four (4) year terms which expire on the second Monday of May, 2007, and the second Monday of May of each fourth year thereafter, except that the at large council member receiving the lesser number of votes of the two (2) at large council members shall serve one (1) term of two (2) years commencing the second Monday in May of 2003 and expiring the second Monday in May of 2005, thereafter said term to be four (4) years.~~

~~Beginning in the year 2005, the two (2) council members representing the first and third wards and the at large council member who served an initial two (2) year term shall be elected at elections to be held on the first Tuesday in May for four (4) year terms which expire on the second Monday of May, 2009 and the second Monday of May of each fourth year thereafter.~~

Beginning in the year 2024, the terms of all sitting council members and mayor shall be extended such that council members previously representing the first ward and the third ward, having last been elected in May of 2021 and the at-large member last elected in May of 2021, may remain in their capacities until their successors are elected and seated, said elections to be held the first Tuesday following the first Monday in November of 2026, and that the mayor and council members previously representing the second ward and the fourth ward, having last been elected in May of 2023 and the at-large member last elected in May of 2023, may remain in their capacities until their successors are elected and seated, said elections to be held the first Tuesday following the first Monday in November of 2028. A transition seating newly elected council members and/or mayor shall occur on the last Monday of November following elections, provided elections have been certified by that date. Otherwise, a transition seating newly elected council members and/or mayor shall occur on the next Monday following such certification.

Beginning with the election of November 2026, voters will select up to three (3) candidates on a single ballot for the office of city council. The three (3) city council seats will be filled by the three (3) candidates receiving the highest number of votes. When two (2) or more shall have an equal number of votes preventing a determination of the three (3) highest, the election for any undetermined seat(s) shall be decided by a majority vote(s) of the council-elect and mayor-elect.

Every person entitled to vote for members of the General Assembly by the laws of the State and who shall have been a bona fide resident within the corporate limits for thirty (30) days next preceding the election shall be entitled to vote therein.

Nonresidents holding a freehold within the corporate limits of an assessed valuation of one hundred dollars (\$100) or other property subject to corporation taxes amounting to one hundred dollars (\$100) or over, shall be entitled to vote at said election. Said election shall be held as now provided by the laws of the State of Tennessee for such elections.

No person shall be elected mayor who is not at the time of ~~his~~ election at least twenty-one (21) years of age, a citizen of the State of Tennessee, and a bona fide resident of the city for at least one year immediately preceding the election date. When two (2) or more shall have an equal number of votes for the office of mayor, the election shall be decided by a majority of the votes of the council-elect. No council member whose term extends beyond the next mayoral election may qualify as a candidate for the office of mayor if such council member holds office as such thirty (30) days prior to the final day for qualification as a candidate for mayor.

Such council member shall not be disqualified from being appointed by the council to serve as a council member until the ~~second Monday of May following the~~ next city election for members of council and mayor, to fill the vacancy created by his or her resignation from office. The mayor may fill all vacancies occurring in any offices, except that of council member, until the same be filled by election. It shall be the duty of the mayor to preside at all meetings of the council; to see that all the ordinances of the city are duly enforced, respected and observed within the city; to take an oath of office before entering upon the duties of the same; and to call special sessions of the council when the mayor deems it expedient. The mayor shall be entitled to a vote upon all matters before the council the same as a council member, whether there be a tie or not, but shall not be entitled to vote as mayor and an additional vote as presiding officer.

(Priv. Acts 1915, ch. 84, § 3; Priv. Acts 1917, ch. 640, § 1; Priv. Acts 1941, ch. 527, § 1; Priv. Acts 1963, ch. 112; Priv. Acts 1967, ch. 487, §§ 1, 2; and Priv. Acts 1978, ch. 269, § 2; Priv. Acts 2000, ch. 138, § 2; Priv. Acts 2001, ch. 4, § 2)

Sec. 4. Appointment of city officers, employees, etc.; city administrator.

The city council shall have full power and authority to appoint all officers, servants and agents of the corporation, such as they may deem necessary and provide by ordinance. They shall also fix the compensation of such officers before their election, which shall not be increased or diminished during their continuance in office.

They shall also have power to dismiss any officer, servant or agent, by them appointed, three-fifths of said council concurring in such dismissal.

Or in the alternative, the council, by resolution, may appoint and fix the salary of the city administrator, who shall serve at the pleasure of the council, except that he may be removed during his first year in office only for incompetence or neglect of duty. He shall be appointed solely on basis of his executive and administrative qualifications, without regard to his political affiliations or place of residence, but during his tenure in office may reside outside the city only with the consent of the council. He shall give his full time to the office unless otherwise provided by resolution. The council may remove the city administrator only after adopting a preliminary resolution stating the reasons for his proposed removal, which shall be published once in the official city newspaper. If within five days after such publication the city administrator delivers to the mayor a written request for a hearing, a public hearing shall be held within ten to twenty days after publication of the preliminary resolution, to consider any written or oral statement he wishes to make, in person or through counsel. After following this procedure, and after the public hearing, if one be held, the council may adopt a final resolution of removal from which there shall be no appeal. The preliminary resolution may suspend the city administrator from duty, but in any event he shall be paid his regular salary until the time of adoption of the final resolution or removal. The council may, and if the council does not, the city administrator shall, designate a person to act as city administrator during his absence or inability to act. An acting city administrator may be appointed by the council to fill a vacancy in the office for not to

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exceed one year, who may be removed by the council at any time without regard to the procedure prescribed in this section for removal of the city administrator.

The city administrator shall be the executive head of the city government, responsible to the council for the efficient, orderly and business-like administration of the city's affairs. He shall be responsible for the enforcement of laws, rules and regulations, ordinances and franchises of the city, and the city attorney shall take such legal actions as the city administrator may direct for such purposes. The city administrator shall have authority to appoint, promote, demote, transfer, suspend and remove all department heads and employees and to direct and control their work, except as otherwise provided in this Act. He shall attend all meetings of the council when possible to do so and may participate in the discussions of the council, but shall have no vote. He shall submit to the council annual budgets, reports and such other information as he may deem necessary or that the council may require. He shall have authority to make allotments of funds within the limits of appropriations and no expenditure shall be made without his approval. He shall act as purchasing agent for the city. He may conduct inquiries and investigations into the conduct of the city's affairs and shall have such other powers and duties as may be provided by ordinances not inconsistent with this Act. All acts performed by the city administrator pursuant to the authority granted by this section shall be subject to review by the city council, and any authority granted to the city administrator by this section 4 may be enlarged or diminished, three-fifths of said council concurring in such action.

Nothing herein is to be construed to affect or interfere with the changes in the City Charter wrought by Priv. Acts 1955, ch. 370, entitled "An Act to Create the Civil Service Commission for the Town of Morristown".

(Priv. Acts 1961, ch. 41, § 1; Priv. Acts 1967, ch. 487, § 1; Priv. Acts 1971, ch. 128, §§ 1, 2; Priv. Acts 1972, ch. 207, § 1; and Priv. Acts 1984, ch. 214, § 2)

Sec. 5. Powers of city generally.

- (1) *Assessment, collection, etc., of property taxes; tax assessor.* Said city council shall have power within the corporation to levy, assess and collect taxes for municipal purposes upon property within said municipality, or otherwise liable therefor, taxable by law, for state purposes, ~~and said assessments shall be made by corporation assessors, elected by the said city council.~~

~~For this purpose, the office of tax assessor of said municipality is hereby created, which said office shall be filled by a majority vote of the city council each year, and his term of office shall continue only until December thirty first of the year during which he is elected.~~

~~Said tax assessor shall be twenty-one years of age. He shall receive for his services a sum not exceeding thirty-six hundred dollars, nor less than five hundred dollars a term, the amount of such compensation, within said limits, and the time of its payment to be fixed by resolution of the city council.~~

~~Before entering upon his duties, the tax assessor shall execute a bond with solvent sureties payable to the municipality, in the penalty of five hundred dollars, conditioned that he will faithfully perform the duties of his office. Such bond shall be approved by the mayor and entered of record as all other bonds; and he shall take the same oath of office applicable to the municipality as does the county tax assessor under the laws of the state.~~

~~Said tax assessor shall assess the real estate, personal property, privileges, and polls subject to municipal taxation, as of January tenth of the year of his election. Immediately after said date, or as soon thereafter as he shall have been elected and shall have qualified, the tax assessor shall begin the assessment of property, and shall continue his work with all possible dispatch so as to complete said assessment, make out the assessment roll and file his report with city council at the earliest possible moment. The municipal taxes for the year for which the assessment is made shall be levied on the basis of such assessment, subject to review by the board of equalization, as now provided.~~

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- (2) *Taxes on privileges and polls.* To levy and collect taxes upon all privileges and polls, taxable by the laws of the state.
 - (3) *Appropriations and expenditures.* To appropriate money and provide for the payment of the debts and expenses of the city and to appropriate money for charitable uses and purposes, and provide by ordinance for the expenditure of the same, and, if necessary, to levy a special tax for such charitable uses and purposes. The fiscal year of the city shall begin on the first day of July and end on the last day of June.
 - (4) ~~Contagious disease control. To make regulations to prevent the introduction of contagious diseases in the city; to make quarantine laws for the purpose, and to enforce the same within five miles of the city.~~ LEFT BLANK INTENTIONALLY
 - (5) *Schools.* To establish a system of free schools within the city and by proceedings accruing to the general law of the land condemn property within the municipality for school and corporate purposes.
 - (6) *General health; nuisances; vagrancy.* To make regulations to secure the general health of the inhabitants and to prevent and remove nuisances; to regulate and suppress vagrancy.
 - (7) *Open, vacate, pave, etc., streets and sidewalks.* To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys and sidewalks, or to have the same done, and to grant privileges and franchises in the use of the same.²
 - (8) ~~Nightwatch and patrol. To establish, support and regulate a nightwatch and patrol.~~ LEFT BLANK INTENTIONALLY
 - (9) *Market.* To erect a market house, establish a market and regulate the same.
 - (10) *Public buildings.* To provide for the erection of all buildings necessary for the use of the city, ~~including jail and calaboose.~~
 - (11) *Licensing and regulation of occupations and vehicles for hire.* To license, tax and regulate all occupations which are now or hereafter may be declared to be privileged occupations by the laws of the state; to license, tax and regulate automobiles, automobile trucks, automobile passenger busses, and taxicabs, carts, omnibuses, cabs, ~~wagons, drays,~~ motorcycles, and all other vehicles; to fix the rate to be charged for the carriage of persons and property by any vehicles held out to the public use for hire within the city, and to require indemnity bonds in surety companies or indemnity insurance policies to be filed with the city by the owner or operator of any such vehicle, for the protection of the city or any person against loss by injury to persons or property; to make all needful rules and regulations of the government of such conveyance, and to provide where such conveyances may be parked, and fix the starting and stopping point, within the city, of such vehicles, whether same are to be operated wholly within the city or from a point in the city to points outside, and whether the same be operated along fixed routes and according to fixed schedules or along different routes and without schedules; to designate the streets over and along which automobiles and other vehicles used for the purpose of affording street transportation may be operated, and to fix the rate to be charged for transportation of passengers.
 - (12) ~~LEFT BLANK INTENTIONALLY Repealed by Priv. Acts 1925, ch. 598, § 1.~~
 - (13) *Amusements, shows, exhibitions, etc.* To license, tax and regulate and suppress theatrical and other exhibitions, shows or amusements.
 - (14) ~~Disorderly houses and bawdy houses. To regulate or prohibit and suppress all disorderly houses and bawdyhouses.~~ LEFT BLANK INTENTIONALLY

²Note(s)—For further provisions as to construction and repair of sidewalks, see subsection (24) of this section. See also §§ 8 and 9 of this Charter.

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- (15) ~~Fire protection. To regulate or prohibit the use of lights, candles and stove pipes in all stables, shops and other places. LEFT BLANK INTENTIONALLY~~
- (16) ~~Weights and measures. To establish weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided for by law. LEFT BLANK INTENTIONALLY~~
- (17) ~~Inspection and weighing of stone, fuel and grain. To provide for the inspection and weighing or measuring of stone, coal, wood and other fuel, hay, corn and other grain. LEFT BLANK INTENTIONALLY~~
- (18) ~~Inspection of food and drink. To provide for and regulate the inspection of beef, pork, flour, meal, oils, whiskey and other spirits, in barrels or hogsheads, and other vessels. LEFT BLANK INTENTIONALLY~~
- (19) ~~Inspection of lard, butter, etc.; regulation of vending of meats and vegetables; suppression of hucksters. To regulate the inspection of lard, butter and other provisions; to regulate the vending of meats, poultry, fish and vegetables; to restrain and punish the forestalling of provisions; and to suppress hucksters. LEFT BLANK INTENTIONALLY~~
- (20) *Appointment of police; imposition of penalties for violations of ordinances; city judge: ~~anneals appeals~~ from convictions.* To appoint and regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery and appropriation and such recovery may be had before the mayor or before the city judge, who shall be appointed by the city council as hereinafter provided, and who shall be a citizen of the city and an attorney licensed to practice law in the State of Tennessee, with jurisdiction in either of said officers to issue warrants, render judgments, issue executions and such other process as may be necessary for the enforcement of fines, forfeitures and penalties for the violation of ordinances of said corporation; and any person against whom a judgment has been rendered by the mayor or city judge, for violation of any of the ordinances of the city, may within ten (10) days thereafter, appeal to the Circuit Court of Hamblen County, Tennessee, upon giving bond and security in the sum of two hundred fifty dollars (\$250.00) for his appearance at the next term of said court to be held thereafter, conditioned according to the terms of appearance bonds required by law in criminal cases.

The office of city judge is hereby created and said judge shall be appointed for such terms and paid such salary as established by the city council through ordinance.

- (21) *Riotous and disorderly persons.* To provide for the arrest and confinement until trial of all riotous and disorderly persons within the corporation, by day or by night; to authorize the arrest of all suspicious persons found violating any ordinance of the city.
- (22) *Breach of the peace; disorderly assemblies.* To prevent and punish, by pecuniary penalties, all breaches of the peace, noise, disturbances, or disorderly assemblies in any street, house or place in the city by day or by night.
- (23) *Encroachments on streets, etc.* To prevent and remove all encroachments into and upon all streets, lanes, alleys and avenues established by law or ordinance.
- (23a) *Zoning.* To regulate by ordinance the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of lot which may be occupied, size of yards, courts, and other open spaces, the density of population, and the uses of buildings, structures, and land for trade, industry, residences, recreation, public activities, and other purposes, and to create and appoint a city planning commission in connection with said corporate power and authority, and to this end, said municipality is granted all the rights, powers, and authority which are granted to municipalities generally by Chapter 34 of the Public Acts of the General Assembly of the State of Tennessee for the year 1935, and by Chapter 44 of the Public Acts of the General Assembly of the State of Tennessee for the year 1935, and by Chapter 74 of the Public Acts of the General Assembly of the State of Tennessee for the year 1945.

Note(s)—See T.C.A. §§ 13-4-101 to 13-4-105, 13-4-201 to 13-4-203, 13-7-201 to 13-7-210; and 42-6-101 to 42-6-115.

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- (24) *Obstructions on sidewalks; repair and cleaning of sidewalks and curbstones.* To remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks and curbstones, and for cleaning the same.

~~Note(s) — For further provisions as to construction and repair of sidewalks, see subsection (7) of this section. See also §§ 8 and 9 of this Charter.~~

- (24a) *Airport.* To establish, operate and regulate a municipal airport, within or without the corporate limits of said municipal corporation, and to this end said municipality is granted all of the rights, powers, and authority as is granted to municipalities generally by Chapter 74 of the Public Acts of the General Assembly of the State of Tennessee for the year 1931, as amended, being an Act entitled, "An Act to authorize Counties and Municipalities, jointly and separately, to establish and maintain airports, to authorize Counties and Municipalities to regulate such airports, and to confer upon the Counties and Municipalities the power to acquire by condemnation lands necessary for such airport".

Note(s) — See T.C.A. §§ 42-5-101 to 42-5-109.

- (24b) *Off-street parking facilities.* To establish off-street parking facilities for vehicles within the corporate limits of the city; to regulate the operation of the same by ordinance expressly including the power to establish if deemed necessary, charges to be paid for the use thereof; to expend corporate funds for that purpose; and to exercise the power of eminent domain to carry out the intent and purpose of this subsection.

- (25) *Alcoholic beverages.* To ~~prohibit~~ regulate by ordinance the sale by retail for beverage purposes, or the giving away for beverage purposes, of intoxicating liquors, including ale, wine, and beer, within the limits of such corporation, and to provide by ordinance suitable penalties for the violation of such ordinance, and to prevent the sale or giving such liquors to minors, within the limits of such corporation, and to provide suitable penalties for violation of same.

- (26) *Ordinances generally; meetings of city council.* To pass all ordinances not contrary to the Constitution and laws of the state that may be necessary to carry out the full intent and meaning of this Act, and to accomplish the object of their incorporation. And this shall expressly include the power to fix, by ordinance, the date and hour of regular meetings of the city council; ~~provided, that all such meetings shall be in the City Hall; and further provided, that there shall be two regular meetings each calendar month, the same to be two weeks apart.~~ To enforce all aforementioned ordinances within the corporate limits of the City and upon property outside the City that is owned by the City, where the city council has established that such ordinances shall apply.

- (27) *Sewer connections; authority to prohibit cesspools, privies, etc.* That said city council and/or the Morristown Utilities Commission is hereby empowered by ordinance to compel the owners of real estate fronting on, contiguous to, or bounded by any street or streets of said city, in which street or streets are lain water mains and sanitary sewers, to connect such surface closets or privies as may be maintained on said premises with said sanitary sewer, and to provide the flushing and cleansing of said closets and privies.

Said city council is further authorized and empowered to prohibit by ordinance, the maintenance of any cesspool, surface closet or privy on any premises fronting on, contiguous to, or bounded by any street or streets of said city in which street or streets are lain water mains and sanitary sewers.

Said city council is further authorized to fix by ordinance the time within which connections shall be made with sanitary sewers as above indicated, after notice so to do has been given, and shall have the right to determine and fix by ordinance the character of notice to be given and to prescribe the penalty for failure to observe and comply with said notice and are expressly authorized to take all necessary steps to enforce the discontinuance and removal of said cesspools, surface closets and privies within the limits and boundaries above set out.

Said city council is further authorized and empowered to declare the maintenance of cesspools, surface closets and privies within said districts above indicated, a public nuisance, and shall have the right to abate same in

the manner provided by law, and particularly shall have the right to enjoin the continuance and maintenance of same.

- (27a) *Inoculation of dogs.* To pass ordinances requiring owners and other persons having the custody of dogs within the corporate limits of the city, to have such dogs inoculated so as to render them immune from rabies.

~~Note(s)—This subsection was designated as "27" by Priv. Acts 1935, ch. 24. However, Priv. Acts 1917, ch. 543, had already added the preceding subsection as "27"; thus this subsection is set out herein as (27a).~~

- (28) ~~*Milk and dairy products.* That said city council is hereby authorized and empowered to pass such ordinances as may be necessary for the proper inspection and regulation of the sale of milk and dairy products within the corporate limits, and to this end shall have the right to pass all necessary ordinances for the inspection of said milk and testing of dairy cows, the milk from which is sold within the corporate limits of said city, and shall have the right, by ordinance, to make all necessary rules and regulations covering the proper inspection of said milk and dairy products.~~

~~To insure the inhabitants of said city against unclean, impure and/or unwholesome milk and milk products, the city council shall have full power and authority to make and enforce regulations relative to the production, handling and manner of sale of milk and milk products sold in said city, regardless of where same is produced; to provide for all necessary inspections and examinations, and to charge the producer or vendor an inspection fee or fees, for the use of said city. LEFT BLANK INTENTIONALLY~~

~~Note(s)—The first paragraph of this subsection was added by Priv. Acts 1917, ch. 543, § 2. The second paragraph is derived from an unnumbered amendment to the Charter, added by Priv. Acts 1931, ch. 441, § 1, which has been included in this subsection due to its subject matter.~~

- (29) *Tax collector, records custodian.*¹ The office of tax collector and records custodian shall be filled by the city administrator, or in the event there be no city administrator, by the mayor. The city administrator or mayor, as the case may be, shall give a separate bond as records custodian, in an amount fixed by the city council, conditioned, to safely keep the records of the municipality, and to account for all monies received by said office as records custodian, and shall give another bond as tax collector of said municipality, the penalty thereof, to be fixed by the city council, which bond shall be conditioned to faithfully account for, and pay over to the proper parties, all monies received by him as tax collector for the municipality; said bond shall be approved by the city council and be entered of record in the minute book of the municipality.

Said officer shall collect all taxes of every kind and character due the municipality, and shall make reports to the city council as directed by it covering the receipt and disbursements of his office, showing the financial condition of the city.

He shall collect all taxes of every kind and character, due the said municipality, and shall make semiannual reports to the city council covering the receipt and disbursements of his office, showing the financial condition of the city. Said recorder and tax collector shall devote his time and attention to the performance of his duties, to the end that said duties shall be properly and efficiently performed. No other business of any kind, either public or private, except that pertaining to the municipality shall be carried on by him in said municipal building.²

¹~~This subsection was added by Priv. Acts 1921, ch. 616, § 3, "at the end of subsection 26" of this section. However, since subsections 27 and 28 had already been added, this subsection is set out herein as subsection 29. The subsection was amended by Priv. Acts 1967, ch. 487, § 4; Priv. Acts 1978, ch. 256, § 1; and Priv. Acts 1984, ch. 214, § 4.~~

²~~There is a possibility that this paragraph was intended by Priv. Acts 1984, ch. 214, § 4 to be deleted from subsection (29) along with the other language of subsection 29, deleted and replaced by that Act. However a review of the entire history of Section 5, subsection (29) shows that the last paragraph is still part of subsection (29).~~

(30) ~~LEFT BLANK INTENTIONALLY [The provisions set forth in this unofficial subsection were repealed by Priv. Acts 1980, ch. 196, § 1]~~

(31) ~~Payment of salaries of city officers. The salaries of all officers of the municipality, whether herein provided for to be elected by the qualified voters of the municipality, or otherwise, shall be payable monthly, at the end of each month. LEFT BLANK INTENTIONALLY~~

~~Note(s) — This subsection was added by Priv. Acts 1921, ch. 616, § 6, without a number. It is set out herein as subsection 31.~~

(32) ~~Railroads — Construction of bridges. Overpasses, etc. To require and compel any steam railroad company operating within the corporate limits and crossing with its lines any of the streets of the city, to build, construct and maintain all necessary bridges, viaducts and passes over and under the tracks of the said steam railroad, wherever said track or tracks cross the public streets and thoroughfares of the city, when in the judgment of the legislative body of said city, such bridge, viaduct or underpass should be built or constructed for the preservation and protection of the public using such streets and thoroughfares. The entire cost of so constructing such bridge, viaduct or underpass, together with the proper and necessary approaches thereto, shall be borne and paid one half by the persons, firm or corporation owning and maintaining and operating such steam railroad, and one half by the city. LEFT BLANK INTENTIONALLY~~

~~Note(s) — This subsection was added to the Charter by Priv. Acts 1925, ch. 598, § 2, without a number. It is set out herein as subsection 32.~~

(33) ~~Same — Watchmen or signals at crossings. To require and compel any steam railroad company operating within said city and crossing with its lines any of the streets of the city, to, at its own cost and expense, erect gates, or place and maintain watchmen, or install other proper and necessary warning signals at said railroad crossing, when in the judgment of the legislative body of said city such gates, watchmen or other warning signals should be built or constructed or established for the preservation and protection of the public using such streets and thoroughfares. LEFT BLANK INTENTIONALLY~~

~~Note(s) — This subsection was added to the Charter by Priv. Acts 1925, ch. 598, § 2 without a number. It is set out herein as subsection 33.~~

(34) *Parking spaces for vehicles for hire, emergency vehicles and merchants' vehicles.* It shall have power, in regulating the use of the streets of said City, to, by ordinance, designate and set apart parking space for taxicabs and other automobiles or vehicles used for hire; ambulances, automobiles, trucks or other vehicles of the police and fire departments, of said municipality, as well as trucks and vehicles used by merchants, and regulate the use thereof for certain specific purposes, for which use, in the discretion of the council, it may charge a reasonable fee.

~~Note(s) — This subsection was added to the Charter by Priv. Acts 1929, ch. 581, § 3, without a number. It is set out herein as subsection 34.~~

(Priv. Acts 1915, ch. 84, §§ 1, 2, 4; Priv. Acts 1917, ch. 543, § 2; Priv. Acts 1921, ch. 616, §§ 1, 2, 3, 5, 6; Priv. Acts 1925, ch. 598, §§ 1, 2; Priv. Acts 1927, ch. 792; Priv. Acts 1929, ch. 581, §§ 1, 2, 3; Priv. Acts 1929, ch. 718, § 1; Priv. Acts 1931, ch. 158, § 1; Priv. Acts 1931, ch. 296, § 1; Priv. Acts 1935, ch. 24, § 2; Priv. Acts 1947, ch. 206, §§ 3, 4; Priv. Acts 1949, ch. 297, § 1; and Priv. Acts 1949 ch. 298, § 1; Priv. Acts 1953, ch. 72, § 1; Priv. Acts 1953, ch. 73, § 1; Priv. Acts 1953, ch. 74, § 1; Priv. Acts 1953, ch. 565, § 1; Priv. Acts 1959, ch. 247, § 1; Priv. Acts 1965, ch. 283, § 1; Priv. Acts 1967, ch. 487, §§ 1, 3, 4; Priv. Acts 1972, ch. 207, § 2; Priv. Acts 1977, ch. 7, § 1; Priv. Acts 1978, ch. 256, § 1; and Priv. Acts 1984, ch. 214, § 3)

Sec. 6. ~~Workhouse; working of city prisoners.~~ LEFT BLANK INTENTIONALLY

~~The city council shall have power to erect and organize a workhouse within said corporation; and any person who shall fail or neglect to pay any fine or costs imposed upon him by any ordinance of the city, shall be committed to the workhouse until such fine and costs be fully paid, but said City council shall have, and is hereby vested with the power, if it so desires or deems it for the best interest of the municipality, to contract with the sheriff or workhouse commissioners or other proper authorities of Hamblen County, for the keeping of the corporation prisoners, and for working them on the public roads of the county or otherwise, as may be determined and agreed. Every person committed to the workhouse or other place of confinement, as provided by this act, shall be required to work for the city or for its benefit at such labor as his or her health and strength will permit within or without said workhouse, or other place of confinement, not exceeding ten hours per day, and for such work and labor the person employed shall be allowed, exclusive of his board, a credit of forty cents per day upon such fine and costs until the whole is discharged, when he or she shall be released.~~

~~Provided, that where corporation prisoners desire to work out their fine and costs and board themselves, and give bond with security for their appearance from day to day to work out their said fine and costs, they shall be allowed to do so, and shall be allowed a credit on their said fine and costs of sixty cents per day, when they so board themselves.~~

~~(Priv. Acts 1967, ch. 487, § 1)~~

Sec. 7. Authority to fix due-date of taxes and penalties for nonpayment of same.

Said city council is hereby empowered to fix by ordinance the time when taxes for municipal purposes shall be levied and assessed, when same shall be due and payable, the manner in which same shall be assessed and collected, and provide for interest and penalties on same for nonpayment when due.

(Priv. Acts 1967, ch. 487, § 1)

**Sec. 8. ~~Sidewalks—Authority to compel property owners~~
~~to construct and repair.~~ LEFT BLANK INTENTIONALLY**

~~Said council of the City of Morristown is hereby empowered by ordinance to compel owners of real estate fronting on, contiguous to, or bounded by any street or streets of said city to lay, and, when lain, to keep in repair, and to repair pavements already lain along such street or streets, so as to establish, maintain, and keep in repair sidewalks or pavements along the streets of said city; and said city council is hereby empowered by ordinance to prescribe the materials out of which said sidewalks shall be constructed, or with which same shall be repaired, in the different parts of city, and are empowered to prescribe the manner and details of construction and repair, respectively.~~

~~(Acts 1907, ch. 203, § 1; Priv. Acts 1967, ch. 487, § 1)~~

~~Note(s)—For further provisions relative to sidewalks, see § 5(7), (24) of this Charter.~~

**Sec. 9. ~~Same—Authority of city to construct and repair~~
~~when property owner fails to do so.~~ LEFT BLANK INTENTIONALLY**

~~Upon failure of any such property holder, as is designated or contemplated in the foregoing section, to comply with such ordinance or ordinances as said city council is empowered to pass under same, said city council may, by ordinance, provide for notice to be given such real estate or property owner, requiring such sidewalks or~~

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(Supp. No. 17)

~~pavements to be lain or repaired within such time as may be prescribed by ordinance, and if such property owner or holder fails to comply with same within the time prescribed by ordinance and notice, then said city council may lay or cause to be lain, repair or cause to be repaired, such pavement or sidewalk, and charge the expense of same to such property owner or holder, which shall be a lien upon such property, which may be enforced as may be provided by ordinance, and notice to the occupant of such property or to any agent having control of same shall be deemed sufficient notice to such property owner or holder.~~

~~(Priv. Acts 1967, ch. 487, § 1)~~

Sec. 10. Original mayor and aldermen.

From the date of the passage of this Act, until the first Monday in January, 1905, the city council of said City of Morristown, shall be and consist of Ed. M. Grant, Mayor; John A. Rhea, E. J. Bettis, W. S. Myers, John B. McCord, J. W. Richardson and M. A. Goodson, Aldermen, or any successors that may be elected under the provisions of this Act, to fill any vacancies that may occur in said board by reason of the death, resignation or removal of any one or more of said mayor or aldermen.

Provided, also, that said city council above designated, shall remain in office until their successors are duly elected and installed.

(Priv. Acts 1967, ch. 487, § 1)

Sec. 11. Collection of delinquent taxes, fines, etc., owed to prior corporation.

All past due and uncollected taxes, levied and assessed by board of mayor and aldermen of the late corporation of Morristown, or their legally authorized agents and officers, and all fines, penalties and other assets of said former corporation, are hereby declared to be the property of the municipality hereby created, and shall be collected by the city council of the municipality hereby created by their officers and agents, and applied to the use and benefit of said municipality under the ordinances and orders of said city council.

(Priv. Acts 1967, ch. 487, § 1)

Sec. 12. Date of assessment of property: levy of taxes.

Said city council may cause an assessment of the property and polls within said municipality to be made as of January 10, 1903, and may levy such tax thereon as they may deem necessary for the purpose of sustaining the interests of said municipality. [As amended by Priv. Acts 1967, ch. 487, § 1]

Sec. 13. Boundaries of city.³

The corporate limits of said city shall be as follows:

³Note(s) — ~~The boundaries as herein set out have been extended by the following annexation ordinances: 2288, 2289, 2290, 2293, 2294, 2295, 2296, 2299, 2305, 2306, 2307, 2308, 2309, 2313, 2318, 2328, 2329, 2330, 2331, 2338, 2358, 2373, 2374, 2382, 2409, 2410, 2418, 2419, 2439, 2443, 2444, 2445, 2446, 2481, 2482, 2512, 2567, 2609, 2628, 2653, 2681, 2682, 2683, 2684, 2690, 2704, 2705, 2477, 2717, 2722, 2723, 2725, 2726, 2732, 2733, 2740, 2744, 2745, 2848, 2850, 2855, 2866, 2867, 2879, 2881, 2884, 2894, 2914, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2951, 2955, 2966, 2968, 2972, 2979, 2980, 2991, 2992, 2995, 2996, 2997, 3045, 3046, 3049, 3050, 3057, 3058, 3059, 3060, 3061, 3062,~~

Beginning at a point in the eastern margin of the Economy Road where it intersects with the northern margin of U. S. Highway 11-E, said point of beginning being between the properties of W. J. Keith and W. C. Pettigrew; thence with the eastern margin of said Economy Road, north 3 degrees 52 minutes east 337.9 feet to a stake at Keith's northwestern corner; thence still with the eastern margin of said road, north 4 degrees 34 minutes east 440.2 feet; north 7 degrees 40 minutes east 207.4 feet; north 4 degrees 53 minutes west 98.3 feet; north 27 degrees 52 minutes west 521 feet to a stake in the eastern margin of the said Economy Road at the point where the same turns westwardly; thence north 29 degrees 34 minutes east 1217.9 feet to an iron pin at the extreme northwest corner of the Lyn-Mar Hills Subdivision; thence with the northern boundary of said Lyn-Mar Hills Subdivision, north 79 degrees 06 minutes east 1183.0 feet to an iron pin at a large oak tree, the northeast corner of said subdivision, and being also in the line of Fairmont Avenue, if projected; thence with said avenue, if projected, south 12 degrees 54 minutes east (passing the northwest corner of Mack Long at 29 feet), running, in all, 408.5 feet to a stake in the southern property line of Mack Long; thence with the said Mack Long's southern property line north 67 degrees 02 minutes east 690.0 feet to a stake on top of the hill; thence north 41 degrees 23 minutes east 1645.2 feet to a stake in the present corporation line where the same corners with John Shipley and W. J. Barron; thence with the present corporation line north 17 degrees 00 minutes west 919.8 feet to a stake; north 35 degrees 00 minutes east 377.7 feet to a stake in the present corporation line in the center of the road west of and near the colored cemetery; thence with the center of said road north 45 degrees 01 minute west 1513.8 feet to a stake at the end of the road in the southern line of the Housley property (Boyd Ewing called in temporary description); thence with Housley's line north 13 degrees 23 minutes east 138.9 feet to a stake; thence with the line of a fence down the west side of a drain and running through the Housley property north 55 degrees 26 minutes west 496.3 feet to a stake by a large black oak; thence north 29 degrees 20 minutes west 295.8 feet to a stake in the southern margin of the Havely Springs Public Road; thence with the southern margin of said road north 9 degrees 27 minutes east 234.7 feet to a stake; thence north 16 degrees 08 minutes east 845.7 feet to a point at the intersection of the southern margin of said Havely Springs Road with the old Long's Ferry or Turley's Mill pike; thence crossing said pike and thence with the projected center line of Algonquin Drive and with the center line of said Drive, south 17 degrees 10 minutes east 520 feet to a stake in the center of same midway between Choctaw Street and Mohawk Street of said Cherokee Hills Addition; thence with the back lot lines between said streets south 68 degrees 30 minutes west 587.8 feet to a stake near the top of the hill; thence running through Cherokee Hills Addition, south 18 degrees 34 minutes east 711.4 feet to a stake 300 feet north of the northern property line of Mrs. Mollie Turley; thence south 56 degrees 21 minutes west 928.5 feet to a stake 500 feet east of U. S. Highway 25-E and 300 feet north of the northern property line of Mrs. Mollie Turley; thence parallel to and 500 feet east of said U. S. Highway 25-E, south 42 degrees 44 minutes east 762.0 feet; south 37 degrees 38 minutes east 265.0 feet; south 31 degrees 25 minutes east 265 feet; south 23 degrees 30 minutes east 295.0 feet; south 9 degrees 45 minutes east 489 feet to a stake 500 feet east of U. S. Highway 25-E; thence due west 446.0 feet to a large elm 54 feet east of said highway at the junction of Old Springvale Road with U. S. Highway 25-E; thence crossing said U. S. Highway 25-E, Turkey Creek, and the Ashville Division of the Southern Railway Company, south 81 degrees 25 minutes west 260 feet to a stake in the western right of way line of said Southern Railway Company; thence with said western right of way of said railway north 15 degrees 28 minutes west 260.0 feet; north 30 degrees 00 minutes west 295.0 feet; north 44 degrees 10 minutes west 299.0 feet; north 47 degrees 15 minutes west 452 feet; thence still with said right of way north 40 degrees 47 minutes west 301. feet; north 45 degrees 19 minutes west

3070, 3074, 3077, 3079, 3090, 3096, 3098, 3109, 3110, 3111, 3120, 3125, 3126, 3130, 3131, 3138, 3133, 3134, 3136, 3137, 3142, 3143, 3144, 3156, 3174, 3175, 3180, 3183, 3184, 3185, 3186, 3187, 3188, 3195, 3201, 3207, 3208, 3216, 3217, 3218, 3225, 3228, 3229, 3230, 3233, 3235, 3240, 3241, 3246, 3249, 3260, 3262, 3263, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3286, 3287, 3289, 3290, 3291, 3296, 3304, 3308, 3309, 3310, 3311, 3323, 3334, 3336, 3346, 3347, 3348, 3349, 3353, 3354, 3405, 3409, 3422 and 3423.

367.0 feet to a stake in the west right of way line of said Southern Railway Company at the Cold Springs Lane; thence leaving said right of way south 56 degrees 45 minutes west 1684.0 feet to a stake in the eastern boundary line of the Walter Brown property (said stake witnessed by a 14-inch locust tree which bears south 54 degrees 45 minutes west 51 feet); thence with said Walter Brown's property line north 41 degrees 30 minutes west 850.0 feet to a stake, corner of said Brown; thence north 87 degrees 30 minutes west 614.0 feet to a stake, corner of said Brown; thence north 87 degrees 00 minutes west 807.0 feet to a large poplar tree, corner to said Walter Brown, and situated in the southern edge of Linnie Avenue at the entrance of the lane leading to the home of said Walter Brown; thence with the southern edge of said Linnie Avenue, south 68 degrees 45 minutes west 801.0 feet to a point in the center of Sulphur Springs Road; thence south 44 degrees 27 minutes west 2787.7 feet to a stake in the center of Fairmont Avenue as extended, with the Jernigan Cemetery Road; thence with the northern side of said Jernigan Cemetery Road; south 89 degrees 30 minutes west 505.5 feet to a stake in the eastern edge of Valley Home Road or Old Dandridge Pike; thence north 40 degrees 30 minutes west 3859.0 feet to a stake in the eastern margin of the Economy Road in the south right of way line of the Knoxville Division of the Southern Railway Company; thence with the eastern margin of said Economy Road and crossing said Southern Railway and U. S. Highway 11-E, north 3 degrees 52 minutes east 1119.0 feet to the place of beginning.

Also, that property situated in the Fifth Civil District of Hamblen County, Tennessee, and more particularly described as follows:

Beginning at a stake in the eastern line of the Walter Brown property (said stake witnessed by a 14-inch locust tree which bears south 54 degrees 45 minutes west 51 feet); thence with said Walter Brown's property line north 41 degrees 30 minutes west 850 feet to a stake, corner to said Brown; thence north 87 degrees 30 minutes west 614 feet to a stake, corner to said Brown; thence north 87 degrees 00 minutes west 807 feet to a large poplar tree, corner to said Walter Brown and situated in the southern edge of Linnie Avenue at the entrance of the lane leading to the home of said Walter Brown; thence with the southern edge of said Linnie Avenue south 68 degrees 45 minutes west 801 feet to a point in the center of Sulphur Springs Road; thence leaving the present corporation line and running with the center of said Sulphur Springs Road and said Walter Brown's line south 24 degrees 30 minutes 1297 feet to a point in the center of said road; thence south 20 degrees 00 minutes east 221 feet to a point in the center of said road west of a large oak tree; thence running across said Walter Brown's farm north 65 degrees 00 minutes east 2285 feet to the place beginning. This survey embraces about seventy acres of land belonging to Walter Brown.

The boundaries as herein set out have been extended by the following annexation ordinances: 2288, 2289, 2290, 2293, 2294, 2295, 2296, 2299, 2305, 2306, 2307, 2308, 2309, 2313, 2318, 2328, 2329, 2330, 2331, 2338, 2358, 2373, 2374, 2382, 2409, 2410, 2418, 2419, 2439, 2443, 2444, 2445, 2446, 2481, 2482, 2512, 2567, 2609, 2628, 2653, 2681, 2682, 2683, 2684, 2690, 2704, 2705, 2477, 2717, 2722, 2723, 2725, 2726, 2732, 2733, 2740, 2744, 2745, 2848, 2850, 2855, 2866, 2867, 2879, 2881, 2884, 2894, 2914, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2951, 2955, 2966, 2968, 2972, 2979, 2980, 2991, 2992, 2995, 2996, 2997, 3045, 3046, 3049, 3050, 3057, 3058, 3059, 3060, 3061, 3062, 3070, 3074, 3077, 3079, 3090, 3096, 3098, 3109, 3110, 3111, 3120, 3125, 3126, 3130, 3131, 3138, 3133, 3134, 3136, 3137, 3142, 3143, 3144, 3156, 3174, 3175, 3180, 3183, 3184, 3185, 3186, 3187, 3188, 3195, 3201, 3207, 3208, 3216, 3217, 3218, 3225, 3228, 3229, 3230, 3233, 3235, 3240, 3241, 3246, 3249, 3260, 3262, 3263, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3286, 3287, 3289, 3290, 3291, 3296, 3304, 3308, 3309, 3310, 3311, 3323, 3334, 3336, 3346, 3347, 3348, 3349, 3353, 3354, 3405, 3409, 3422 and 3423.

(Priv. Acts 1903, ch. 506, § 1; Priv. Acts 1909, ch. 314, § 1; Priv. Acts 1917, ch. 543, § 1; Priv. Acts 1947, ch. 689, § 1; Priv. Acts 1949, ch 298, § 2; Priv. Acts 1951, ch. 473, § 1; and Priv. Acts 1967, ch. 487, § 1)

Sec. 14. Debts and liabilities of former corporation.

All and singular of the debts and liabilities of the former corporation of Morristown, Tennessee, whether evidenced by bonds, warrants or otherwise, are hereby declared to be valid and subsisting debts of the corporation of Morristown, created by this Act; and shall be provided for and paid according to the provisions of the laws and ordinances providing for the creation of such debts, and the city council herein provided for shall have full power and authority to carry out the provisions of this section.

(Priv. Acts 1967, ch. 487, § 1)

Sec. 15. Continuation of ordinances and resolutions.

All ordinances and resolutions of the former corporation of Morristown which were in force at the date of the abolishing of the charter of said former corporation are hereby declared to be in full force and effect as the ordinances and resolutions of the corporation created by this Act, until such time as the same shall be repealed, altered or modified by the authority of the city council of the corporation created by this Act.

(Priv. Acts 1967, ch. 487, § 1)

Sec. 16. Continuation of former officers.

The officers and agents of the former corporation of Morristown are hereby declared to be officers and agents of the corporation created by this Act, until such time as they may be discharged or superseded by authority of the city council appointed by this Act.

(Priv. Acts 1967, ch. 487, § 1)

Sec. 17. Transfer of property of former corporation.

All property, both real, personal and mixed, belonging to the late corporation of Morristown, is hereby declared to be the property of the corporation created by this Act.

Sec. 18. Codification of ordinances—Required every five years: admissibility as evidence.

There shall be prepared and published by the city council a digest or codification of all ordinances and resolutions of a public nature thereof every five years. Said digest or codification, when so published, shall show that it is published by authority of the corporate authorities, and it shall be received and read in all the courts of the state as evidence of the ordinances, resolutions and facts pertaining to the municipality and contained therein.

(Priv. Acts 1967, ch. 487, § 1)

Sec. 19. Same—Continuation of former Code.

The last and present digest or codification of the ordinances and resolutions of a public nature of said municipality and published by the authority of the city council, are hereby declared to be the laws and ordinances of said city upon the matters touched upon therein, excepting such as have been repealed, altered or amended, since the publication thereof, and as such shall be received and read in evidence in all the courts of the state.

(Priv. Acts 1967, ch. 487, § 1)

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~~Note(s)—The Code referred to by this section was the Code in effect at the time of the adoption of this Charter in 1903.~~

~~Sec. 20. Acts saved from repeal.~~

~~Nothing in this act shall be construed to repeal any of the Acts of the General Assembly of the State of Tennessee in force at the time of the repeal of the former Charter of incorporation of Morristown, which related to the waterworks and electric light plants or systems of said former corporation, but the same with all their provisions are hereby declared to be in full force and effect and shall apply to the corporation of Morristown created by this Act.~~

~~Sec. 20A. Electric light and waterworks system~~Municipal Utility Extension.

Said municipality, "The City of Morristown", ~~and/or the Morristown Utilities Commission~~, be, and hereby is given the power of eminent domain according to the law of the land and the laws and statutes of the State of Tennessee relative thereto, with full power, in accordance therewith, to condemn, for all municipal and corporate purposes, both within and outside the municipal boundaries, lands, and easements, including right of way for ~~municipally-city- or commission-~~owned electric light and waterworks utility systems, ~~either or both, including but not limited to~~ grounds and sites for pumping stations and for the manufacture of electricity and for the manufacture and transmission of electricity either or both; water sites, springs, lands and grounds for the erection of all necessary plants for said purposes; also all necessary grounds and rights of way to and from streams, for water and manufacture of electric power, either or both; to erect, dig or prepare reservoirs for water; to build, enlarge and improve light and power stations alone or in connection with the waterworks system; ~~to build, enlarge, or improve sewerage collection systems, pumping and treatment plants and facilities;~~ and also, through itself, or its electric light and waterworks commissioners, according to existing laws, sell water and manufacture, transmit and sell electricity for all water, electric power and light purposes; ~~to sell sewerage treatment services, and/or to provide telecommunications service purposes,~~ to patrons and purchasers thereof within and without the municipality.

For all the foregoing purposes and agreeable to the laws of the land and the statutes applicable thereto, the power of eminent domain is conferred upon said municipality.

(Priv. Acts 1925, ch. 23, § 1; Priv. Acts 1967, ch. 487, § 1)

~~Sec. 21. Effective date; authority to extend water and light facilities.~~

~~This Act shall take effect from and after May 1, 1903, at 12 o'clock Noon, the public welfare requiring it.~~

~~The water and light commissioners of said city shall have the right, and are hereby given the authority, to extend the water and light facilities of the municipality beyond the corporate limits of the city to such points, and to such distances as, in the discretion of said commissioners, may be necessary and proper for the welfare, growth, and prosperity of the city, and to this end said water and light commissioners, and said municipal corporation are given the right and authority to acquire by purchase, or eminent domain proceedings, such land, right of way, or easements, as shall be necessary for the accomplishment of such extension; provided, no such extension shall be made until the city council has, by a majority vote, approved and ratified the plan of said commissioners to make said extension.~~

~~(Priv. Acts 1947, ch. 206, § 2; and Priv. Acts 1967, ch. 487, § 1)~~

~~Passed February 12, 1903~~

Ed T. Seay,
Speaker of the Senate

L. D. Tyson,
Speaker of the House of Representatives

Approved March 13, 1903

James B. Frazier,
Governor

RELATED PRIVATE LAWS⁴

Division A. Zoning⁵

Private Acts 1927, Chapter 446

AN ACT entitled an Act to amend Chapter 103 of the Acts of the General Assembly of the State of Tennessee for the year 1903 entitled "An Act to incorporate the Town of Morristown in Hamblen County, Tennessee."

~~Sec. 1. Location of trades and industries and buildings designed for special uses.~~

~~Be it enacted by the General Assembly of the State of Tennessee.~~ That Chapter 103 of the Acts of the General Assembly of the State of Tennessee, passed February 12th, 1903, approved March 13th, 1903, entitled, "An Act to incorporate the town of Morristown in Hamblen County, Tennessee," be so amended as to read as follows:

~~That the board of mayor and aldermen of the Town of Morristown may regulate and restrict by ordinance the location of trades and industries and the location of buildings designed for specified uses, and for said purposes, divide the municipality into districts or zones of such number, shape and area as may be deemed best suited to carry out the purposes of this section.~~

~~For each of such districts, regulations may be imposed by ordinance, designating the uses for which buildings may be or may not be erected or altered, and designating the trades and industries that shall be excluded or subjected to special regulations. Such regulations shall be in accordance with a place, designed to lessen congestion on public streets, to promote the public health, safety, convenience and general welfare, and shall be made with reasonable consideration, among other things, to the character of the district, its peculiar suitability for particular uses, the conservation of property values, and the direction of building development.~~

⁴Note(s) — The following "related private laws" consist of uncodified Private Laws of Tennessee applicable to Morristown:

⁵Note(s) — This Act purports to amend the Charter of Morristown, but it does not fit within the framework of the Charter; it is thus set out in full at this point.

Sec. 2. Regulation of height and bulk of buildings and percentage of land to be devoted to open spaces.

Be it further enacted. That the board of mayor and aldermen may regulate by ordinance and limit the height and bulk of buildings hereafter erected or altered, and regulate and determine the percentage of land area to be devoted to yards, courts and other open spaces, and for said purposes, divide the municipality into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this section. Such regulations shall be uniform for each class of buildings throughout each district, but the regulations in one or more districts may differ from those in other districts. Such regulations shall be designed to lessen congestion on the public streets, to secure safety from fires and other dangers, to promote the public health and welfare, including provisions for adequate light air and convenience of access, and shall be made with reasonable regard to the character of buildings erected in each district, the value of land and the use to which it may be put, to the end that such regulations will promote the public health, safety and welfare, the most desirable use for which the land of each district may be adopted, and tend to conserve the value of buildings and to stabilize the value of land throughout such districts.

Sec. 3. Amendment of zoning ordinance.

Be it further enacted. That after the final adoption of regulations by ordinance setting out the boundaries of districts or zones and the regulations to be enforced therein, the mayor and aldermen may, from time to time, amend, supplement or change by ordinance the boundaries or regulations so adopted. Notice of the adoption of such amendment, supplement or change in the ordinance shall be given by publishing such notice three times in some daily newspaper of general circulation in such municipality. Such notice shall state the time and place, not earlier than ten days from the last date of publication, at which the mayor and aldermen of the Town of Morristown shall meet to hear remonstrances or protests against the making of such amendment, supplement or change. At the time and place thus appointed, the mayor and aldermen shall meet and all persons whose property will be affected by such amendment, supplement or change, may appear in person or by attorney or by petition, and protest against making of such amendment, supplement or change, and after hearing such protests, if any, said legislative body may confirm, modify, or rescind such ordinance in whole or in part. If, however, a protest against such amendment, supplement or change be presented in writing to city administrator or mayor within ten days from date of last publication, duly signed and acknowledged by the owners of twenty per cent or more of any frontage proposed to be altered, or by the owners of twenty per cent of the frontage immediately in the rear thereof, or by the owners of twenty per cent of the frontage directly opposite the frontage proposed to be altered, such amendment, supplement or change shall not be passed except by a four fifths vote of the board of mayor and aldermen.

(Priv. Acts 1984, ch. 214, § 1)

Sec. 4. Nonconforming buildings and uses.

Be it further enacted. That the lawful use of a building existing at the time of adoption of an ordinance under the provisions of this Act, although such use does not conform to the provisions of such ordinance, may be extended throughout the life of the building, provided no structural alterations except those required by law or ordinance are made therein.

Where no structural alterations are made in a building of a nonconforming use, such use may be changed to a use of a similar or higher classification, according to the provisions of ordinances and regulations adopted under the authority of this Act.

~~The lawful use of a premises existing at the time of adoption of an ordinance under the provisions of this Act, although such use does not conform to the provisions of such ordinance, may be continued; but if such nonconforming use is discontinued, any future use of said premises shall be in conformity with the provisions of ordinances and regulations adopted under the authority this Act.~~

~~Where structural alterations are made in a building of nonconforming use, such building shall be changed in conformity with the provisions of ordinances and regulations adopted under the authority of this Act, for the district in which such building is located. When the boundary line of any such district divides a parcel of ground in common ownership, at the time of the adoption of the ordinance, under the provisions of this Act, nothing herein shall be construed to prevent the extension of the use existing on either portion of such parcel of ground, to the entire parcel but for a distance of not greater than twenty five feet.~~

~~Nothing in this Act shall be taken to prevent the restoration of a building destroyed to the extent of not more than seventy five per cent of its reasonable value, by fire, explosion, an act of God or the public enemy, and the occupancy or use of such building or part thereof, if such use existed at the time of such partial destruction, or the restoration of a wall declared unsafe by the building inspector.~~

~~Sec. 5. Severability of Act.~~

~~*Be it further enacted.* That should any section or provision of this Act be held to be unconstitutional or invalid, the same shall not affect the validity of the Act as a whole or any part thereof, other than the part so held to be unconstitutional.~~

~~Sec. 6. Effective date.~~

~~*Be it further enacted.* That this Act shall take effect from and after its passage, the public welfare requiring it.~~

~~Passed April 14, 1927.~~

~~Approved by Governor April 22, 1927.~~

Division B. Civil Service for Fire and Police Departments⁶

Private Acts 1955, Chapter 370

~~AN ACT to amend Chapter 103 of the Private Acts of the General Assembly of the State of Tennessee for the year 1903 entitled: "AN ACT to incorporate the City of Morristown in Hamblen County, Tennessee", and to repeal all Acts or parts of Acts amendatory thereto in conflict herewith, so as to establish for the City of Morristown a merit basis for the appointment of city employees, to create a civil service board and to provide for appointment and removal of members thereof; to prescribe the powers and duties of such board; to authorize the adoption of rules by such board; to provide for classified and unclassified service; to provide means of promotion, suspension, demotion and removal of city employees in the classified service; to authorize the establishment of a pay and hours plan; to provide for penalties for violation hereof; and for other purposes. [As amended by Priv. Acts of 1996, ch. 143, § 10]~~

ARTICLE II. Civil Service for Fire and Police Departments

Sec. 1. Civil service board created: Membership; appointment, term of office, salary, qualifications and removal of members; notice of meetings; quorum.

- (a) There is hereby created a system of civil service for the City of Morristown. A civil service board, shall consist of three members and shall administer the system of civil service. One (1) member of such board shall be elected by the governing body or the city or Morristown and one (1) member shall be elected by the members of the classified service, i.e., members of the fire department, members of the police department, in a joint election. Such member shall receive a majority of the votes of the members of the classified service. The member selected by the governing body of the City of Morristown and the member selected by majority vote of the classified service shall then select the third member of the Board within ten (10) days after such members' appointment and selection. Provided, that if the two (2) members appointed and selected shall fail to agree relative to the third board member within ten (10) days after their appointment, the governing body of the City of Morristown shall appoint four (4) citizens to meet and confer with four (4) other citizens appointed by the members of the classified service. This joint committee of eight (8) shall meet, within ten (10) days, and appoint a person who shall serve as the third member of the Board.
- (b) The three (3) members of the Board shall serve as board members for a period of three (3) years, or until their successors are appointed and qualified. On or before the expiration of the term of each board member, such board member's successor shall be selected in the same manner as the prior selection of such board member whose term is expiring.
- (c) ~~Per diem payment to Board members for attendance at Board meetings or other means of compensating service may be authorized and changed by ordinance of the City Council. The members of the Board shall receive the sum of twenty-five dollars (\$25) per diem for attendance at sessions of the Board. Such sum may be increased or decreased by the city council, in a manner that does not change the per diem amount during~~

⁶Note(s)—This Act purports to amend the Charter of Morristown, but it does not fit within the framework of the Charter; it is thus set out in full at this point.

~~the term of any affected board member. Such per diem amounts shall be paid out of the general fund of the City of Morristown.~~ No person shall be appointed a member of such board who is not a citizen of the United States, a resident of the City of Morristown, Tennessee, for at least one (1) year immediately preceding such appointment, and a registered voter of Hamblen County. No member of the classified service or any council member of the City of Morristown, may be a member of the Board.

- (d) Any member of the Board may be removed from office by the governing body of Morristown for incompetency, dereliction of duty, malfeasance in office or upon conviction of any crime involving moral turpitude. Provided, however, that no member of the Board shall be removed until written charges shall have been made, with due notice, and a full public hearing shall have been conducted before the governing body of the City of Morristown.
- (e) The members of the Board shall devote adequate time and attention to the performance of the duties of the Board. Two (2) members of the Board shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the Board under and by virtue of the provisions of the act.
- (f) Provided, however, that due notice of all meetings shall be given so that all three (3) board members may have an opportunity to be present. ~~Provided, further, that the Board shall transact no business and make no decisions until and except while all three (3) board members shall have taken office and remain qualified to act.~~ Confirmation of original or succeeding board members by the legislature shall not be required.

(Priv. Acts of 1967, ch. 487, § 1; Priv. Acts of 1994, ch. 143, § 1)

Sec. 2. Persons subject to civil service.

The provisions of this act shall apply to (a) all full-time law enforcement officers certified as such by the Peace Officers Standards and Training Commission and (b) all full-time fire department personnel holding the classification of firefighter driver, inspector, lieutenant, captain, battalion chief, and assistant or deputy chief in the City of Morristown. The chiefs of the police and fire departments may be hired directly by the city governing body without approval of the Civil Service board. The chiefs shall not be members of the classified service except to the extent that a two-thirds (2/3) vote of the governing body shall be required to dismiss, suspend or demote the chief of either department, which action shall not be reviewable by the Board. All such persons shall be known as the classified service. All other city employees shall be known as the unclassified or civilian service.

(Priv. Acts of 1967, ch. 487 § 1; Priv. Acts of 1994, ch. 143, § 2)

Sec. 3. Appointments and promotions.

All future appointments to and promotions in such departments, except as otherwise provided in this act, shall be made on the basis of filling the position with the best qualified candidate, using the following methods:

Subject to the standards set forth in this act, the city governing body shall meet with the Board and formulate minimum requirements and weighted selection criteria for each position in the classified service. As soon as possible, but in no event later than sixty (60) days after the passage of this act, the city and the Board shall jointly adopt minimum requirements and weighted selection criteria, the latter of which shall include percentage allocations for at least the following: Seniority, experience, training, testing, education, record of conduct and recommendations of the chiefs of the respective departments. If the city governing body and the Board are unable to agree upon such minimum requirements and weighted selection criteria, the city administrator, chairman of the civil service board and a person designated by the director of the municipal technical advisory service shall adopt such requirements and criteria by affirmative vote of two (2) of the three (3) persons so designated, and certify such vote in writing to the city and board. Such requirements and selection criteria shall immediately become effective. Standards, when set, shall remain in effect until altered by joint action of the city and board. After the

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enunciation of such standards, a roster shall be kept by the board of all full-time personnel in the classified service indicating what job classifications within each respective departments such personnel are eligible to fill. A roster shall also be kept on all applicants to become members of the classified service with appropriate indication of what job classifications such applicants are eligible to fill.

After the enunciation of such standards, no vacancy shall be filled except by a person on the roster of persons having the requisite qualifications to fill such vacancy.

If any vacancy shall occur within any branch of the classified service, ~~the governing body shall only award the position to the individual on the roster determined to be best qualified from among those in such position on the relative roster as described in Section 10, herein. the vacancy shall be offered first to that member of the such branch qualified on the roster who shall be the best qualified.~~ In determining who is best qualified, the city governing body shall consider seniority, experience, training, testing, education, record of conduct, and recommendations of the chiefs of the respective departments. No person shall be reinstated in, or transferred, suspended or discharged from any place, position or employment in the classified service contrary to the provisions of this act.

(Priv. Acts of 1967, ch. 487, § 1; Priv. Acts of 1994, ch. 143, § 3)

Sec. 4. Functions and duties of civil service board; officers of board; meetings of board.

Be it further enacted. The board shall organize by forthwith electing one of its members as chairman and shall hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of its duties, ~~not to exceed three days in any one month.~~

The board shall appoint a secretary who shall keep its records, preserve all reports made to it, superintend and keep a record of all examinations and perform such other duties as the board may prescribe.

It shall be the duty of the board:

- (a) To make suitable rules and regulations not inconsistent with the provisions of this Act. Such rules and regulations shall provide in detail the manner in which examinations may be held and appointments, promotions, transfers, demotions, reinstatements, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration; such rules and regulations shall include the methods used in determining the standard for each job classification in the classified service. These rules and regulations may be changed from time to time by the board and shall be printed or ~~mimeographed for free public distribution~~ otherwise made publicly available.
- (b) The rules and regulations shall include provisions so that seniority may not be lost by any person holding a position in the classified service, if such person leaves the classified service to enter the military service of the United States, provided that such person returns to the classified service within six months following his honorable discharge from such service. In such cases the period of military service shall be included in the period of seniority of such person.
- (c) The board shall make investigations and report upon all matters touching the enforcement and effect of the provisions of this Act, and the rules and regulations prescribed hereunder, inspect all institutions and employment affected by this Act, and ascertain whether the Act and all such rules and regulations are being obeyed. Such investigations shall be made by the board on its own motion and must also be made on petition of any citizen duly verified stating that irregularities or abuses exist, or setting forth in writing the necessity for such investigation. In the course of such investigation, the board shall have the power to administer oaths, subpoena and require the attendance of witnesses, and require the

production of books, papers, documents and accounts appertaining to the investigation. The failure upon the part of any person to comply with such subpoena or demand shall be a violation of this Act and be punishable as such.

- (d) All hearings and investigations before the board shall be governed by this Act and by the rules of practice and procedure to be adopted by the board. The board, or its designated hearing officer, shall not be bound by technical rules of evidence. No formality in any procedure or hearing shall invalidate any order, decision, rule or regulation made or approved by the board; provided, however, that no decision shall be binding unless concurred in by at least two of the board members.
- (e) To hear and determine appeals or complaints relative to the allocation of positions, the determination of job changes, the furnishings of rosters and the position of members of the classified service, and of applicants on such rosters, and such other matters relating to the administration of this Act as may be referred to the board.
- (f) To see that the job classifications, the standard for filling said classifications and the roster of eligible appointees for each classification are kept continuously up to date, and posted in the respective departments of the classified service. Said rosters shall show name, rank and number in their proper order ~~by reason of seniority established by continuous service in the respective departments according to the scoring mechanism established for eligible appointees to each job classification~~. Terms of leaves of absence granted by the board hereby created upon recommendation of the chief of each department shall not forfeit the rights of the member granted leave under this Act nor be charged against such member in his order of seniority.
- (g) To make provisions that men laid off because of curtailment of expenditures, reduction in force, and for like causes, shall be the last man, or men, including probationers, that have been appointed to the respective department of the classified service. Rules and regulations shall provide that men so laid off shall be reinstated before any new appointments to said department shall be made.
- (h) To keep the appointing authority notified of the person highest on each eligible list for appointment to each vacancy that may occur.
- (i) To keep such records as maybe necessary for the proper administration of this Act.

(Priv. Acts of 1967, ch. 487, § 1; Priv. Acts of 1994, ch. 143, §§ 4 and 5)

Sec. 5. Reserved.

~~Editor's note(s) — This section was deleted in its entirety by Priv. Acts of 1994, ch. 143, § 6.~~

Sec. 6. Qualification of applicants.

Be it further enacted

- (a) *Citizenship.* An applicant for a civil service position of any kind under the classified service must be a citizen of the United States, who can read and write the English language.
- (b) *Character and fitness.* Every applicant for a position in the classified service must, in addition to such minimum standards as are stated by the board, also be of ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the board may deem advisable.

Sec. 7. Tenure of office; grounds for demotion, suspension or discharge.

Be it further enacted. The tenure of everyone holding office, place, position or employment under the provisions of this Act shall be for and only during good behavior. Any such person may be removed or discharged, suspended without pay, demoted or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons, but for no other reasons:

- (a) Dishonesty, intemperance, immoral conduct, insubordination, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to conduct himself properly; or any willful violation of the provisions of this Act or the rules and regulations to be adopted hereunder.
- (b) Conviction of a felony, or a misdemeanor involving moral turpitude, or a misdemeanor reflecting upon ability to perform public service or one for which a jail sentence is or may be imposed.
- (c) Any other act or failure to act which, in the judgment of the board, is sufficient to show the offender to be an unsuitable and unfit person to be employed in the classified service.

Sec. 8. Removal of members from civil service.

- (a) No person in the classified civil service who shall have been permanently appointed or inducted into civil service under the provisions of this act shall be removed, suspended or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation shall be served upon the accused, and a duplicate filed with the Board. The chief of the fire department or the chief of the police department may suspend a member of the department pending the confirmation of the suspension by the regular appointing power under this act which must be within twenty-one (21) days. Any person so removed, suspended or discharged may within twenty (20) days from the time of his removal, suspension or discharge file with the Board a written demand for an investigation, whereupon the Board shall conduct such investigation.
- (b) The investigation shall be confined to the determination of whether such removal, suspension or discharge was or was not made for political reasons and was or was not made in good faith for cause. After such investigation, the Board shall deliberate and may affirm the action taken, or if it shall find that the removal or suspension was made for political reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended or discharged, which reinstatement shall, if the Board so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension or discharge. The findings of the Board shall be certified in writing to the appointing power and shall be forthwith enforced by such authority.
- (c) All investigations made by the Board pursuant to this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded the opportunity to appear in person with counsel or by counsel and to present a defense. At any such hearing the testimony of all witnesses shall be taken in writing and a record shall be made of all proceedings.

(Priv. Acts of 1996, ch. 143, § 7)

Sec. 9. Duty of city officers and employees to assist board.

- (a) It shall be the duty of ~~the City Administrator to assign sufficient staff~~ ~~all officers and employees~~ of the City of Morristown to carry out the provisions of this act, and such rules and regulations consistent with this act, as may, from time to time be prescribed by the board and to afford the Board, its members and employees, all

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reasonable facilities and assistance in the inspection of all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions, papers, documents and accounts relevant to the duties of the board. It shall be the duty of such officers and employees to attend and testify whenever required by the Board or any member thereof.

- (b) The board shall not promulgate any rule or regulation under authority of the act or make any appointments or promotions which are inconsistent with any state or federal guidelines or standards, or inconsistent with any rules or regulations of the appropriate accreditation agencies which certify or accredit the police and fire departments of the city pursuant to state or federal law or the standards required of a nongovernmental agency which have been accepted by the city governing body. If a rule or regulation of the Board appears to the city governing body to be inconsistent with such standards, the city shall submit the question to the applicable agency, if any, promulgating such standards for an opinion relative to the apparent inconsistency. Such opinion, if received within ninety (90) days of submission in writing from such agency shall be ~~final and binding upon the city and board~~ the basis upon which the board and/or the governing body shall amend said rules or regulations in order to comply. ~~Otherwise~~ Should such opinion not be provided within ninety (90) days, the city governing body, in its sole discretion, shall determine if such rules or regulations are inconsistent with such standards, and in the event such determination is in the affirmative, the rule or regulation shall be void, upon duly adopted resolution of the city.

(Priv. Acts of 1967, ch. 487, § 1; Priv. Acts of 1994, ch. 143, § 8)

Sec. 10. Certification of names for vacancies; eligible lists; probationary employment.

- (a) When a position in the classified service becomes vacant, whether entry level or promotional, the governing body of the City of Morristown shall make requisition upon the board for the names of three (3) persons eligible for appointment. The board shall certify the names of the three (3) persons highest on the eligible list willing to accept employment.
- (b) In the event of two (2) or more promotional vacancies for the same position, two (2) additional names shall be certified for each such additional vacancy.
- (c) Promotional appointees shall serve on probation during the first six (6) months of employment, and may be transferred back to such appointee's former position for good cause by the governing body, in its discretion. Such action shall not be reviewable by the Board. In such event, the employee shall re-qualify for the promotional roster before being eligible for promotion.
- (d) Whenever a requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the governing body shall appoint a person from among the persons so certified for such position.
- (e) Notwithstanding any provision of the Civil Service Act to the contrary, the chiefs of the respective departments, with the approval of the governing body, shall be empowered, upon proper certification by the board of the eligibility of a new (non-classified service) applicant for a position in the classified service, to appoint such person to such position for a period of six (6) months plus the required time for formal entry level training as defined by departmental policy, but not to exceed a total of fourteen (14) months, during which time the applicant shall be on probation and subject to removal for just cause shown at any time during the probationary period. If the governing body in its discretion deems such person on probation unfit and unsatisfactory for such position, such person on probation may be dismissed. Any action taken by such governing body with respect to the dismissed applicant or probationer shall not be reviewable by the Board. In the event of dismissal of such applicant or probationer for reasons satisfactory to the governing body of the city of Morristown, the board shall again certify the names of the persons on the eligible list as the same shall appear from the records of the board. Notwithstanding the foregoing, a departmental chief may

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request and the civil service board may grant, at its sole discretion, an extension of the probationary period of up to sixty (60) additional days.

- (f) The chiefs of the respective departments may make lateral assignments of personnel. A lateral assignment shall be an assignment which is not accompanied by changes in wages, clothing allowance, vacation accrual, sick leave accrual or incentive pay.

(Priv. Acts of 1967, ch. 487, § 1; Priv. Acts 1994, ch. 143, § 9; Priv. Acts 2004, ch. 78)

Sec. 11. Leave of absence without pay.

Be it further enacted. Leave of absence, without pay, may be granted by the board upon the recommendation of the chief of the fire department or the chief of the police department, and the board shall give notice of such leave of absence to the governing body. All temporary employment caused by leaves of absence shall be made from the eligible list of classified civil service of the department concerned.

Sec. 12. False marking, grading, etc., of examinations, etc., prohibited.

Be it further enacted. No board member or any other person, shall, by himself, or in cooperation with one or more persons, defeat or deceive any person in respect of his right of examination or registration according to the rules and regulations of this Act, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this Act or aid in so doing, or make any false representation concerning the same or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or persuade any other person, or permit or aid in any manner any person to personate any other person, in connection with any examination or registration or application or request to be examined or registered.

Sec. 13. Political activities; prohibited; religious and political discrimination prohibited.

Be it further enacted.

- (a) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to the employment in the classified service because of his political or religious opinions, but all employees must take an oath to support the Constitution of the United States.
- (b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.
- (c) No person shall use or promise to use, directly or indirectly, any political or official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service or an increase in pay or other advantages in employment in any such position either for the purpose of influencing the vote of political action of any person, or for any consideration, or otherwise.
- (d) It shall be the duty of the board to supervise the execution of the foregoing civil service provisions of this Act and the rules made thereunder, and it shall be the duty of all persons under the provisions of this Act and in the service of the police and fire departments to comply with such rules and to aid in their endorsement.

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Sec. 14. ~~Board may obtain assistance.~~ LEFT BLANK INTENTIONALLY

~~*Be it further enacted.* The board shall be authorized to employ such clerical or administrative help as is necessary in carrying out the duties assigned to it, and shall also be authorized to retain legal counsel and engage actuarial experts to the extent necessary in carrying out the functions assigned to the board.~~

Sec. 15. Compliance with Act.

Be it further enacted. The failure on the part of the board, or any member thereof or on the part of the governing body of the City of Morristown, or any member thereof, to comply with the terms of this Act shall be considered a violation of this Act and shall be punishable as such.

(Priv. Acts of 1967, ch. 487, § 1)

Sec. 16. City to furnish board with accommodations and equipment; employment or clerical, administrative, etc., assistance.

Be it further enacted. The governing body of the City of Morristown shall provide the board with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the board and shall either provide directly or provide the funds for the payment of such necessary clerical, administrative, actuarial and legal assistance as may be employed by the board. Said accommodations, equipment, employment, or other assistance shall be requested of the City Administrator, who shall facilitate the same with available resources or through additional allocation requested to the governing body under the provision of section 14 of this Act; and the failure on the part of the governing body to do so shall be considered a violation of the Act and shall be punishable as such.

(Priv. Acts of 1967, ch. 487, § 1)

Sec. 17. Appropriations by city council; appointment of original board.

Be it further enacted. The governing body of the City of Morristown shall have authority to appropriate from the general funds of said city a sum sufficient to carry out the purposes of this Act, and shall make such appropriation. Within thirty days after the effective date of this Act, it shall be the duty of the governing body of the City of Morristown, subject to the provisions of this Act, to appoint and create the board, as provided in section 1 hereof, and the failure upon the part of said governing body, or any member of it so to do, shall be deemed a violation of this Act and shall be punishable as such. ~~[As amended by Priv. Acts of 1967, ch. 487, § 1]~~

Sec. 18. Organization of original board.

Be it further enacted. It shall be the duty of the board appointed subject to the provisions of this Act to organize immediately and to see that the provisions thereof are carried into effect, and to make suitable rules and regulations to effect said purposes; and the failure upon the part of said board, or any individual member thereof so to do, shall be deemed a violation of this Act and shall be punishable as such.

Sec. 19. Penalty for violation of Act.

Be it further enacted. Any person who shall willfully violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than twenty-five, or

more than five hundred dollars, or by imprisonment in the county jail for not longer than eleven months and twenty-nine ~~days~~ days or by both such fine and confinement in the county jail.

Sec. 20. Repeal of conflicting laws.

Be it further enacted. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

Sec. 21 Severability of Act.

Be it further enacted. That the provisions of this Act are hereby declared to be joint and severable and the invalidating of any section shall not affect the validity of the remaining sections, which shall remain in full force and effect.

Sec. 22. Effective date.

Be it further enacted. That this Act shall take effect October 1st, 1955, provided, however, that it shall not be valid, or have any effect until it has been ratified and approved by a two-thirds majority of the governing body of the City of Morristown, after its final passage by the General Assembly. ~~[As amended by Priv. Acts of 1967, ch. 487, § 1]~~

~~Passed March 17, 1955~~

~~Approved by Governor March 21, 1955~~

~~Division C. Sewerage System²~~

~~Private Acts 1955, Chapter 371~~

~~AN ACT to amend Chapter 103 of the Published Acts of the General Assembly of the State of Tennessee, for the year 1903, entitled "AN ACT to incorporate the Town of Morristown, in Hamblen County, Tennessee, and all Acts amendatory thereof".~~

~~Sec. 1. Charter amended.~~

~~Be it enacted by the General Assembly of the State of Tennessee. That Chapter 103 of the published Acts of the General Assembly of the State of Tennessee for the year 1903, the title of which is fully set forth in the caption hereof, and all Acts amendatory thereof, be, and the same are, hereby amended so as to confer upon said municipality the powers and authority hereinafter set out.~~

~~Sec. 2. Definitions.~~

~~Be it further enacted. That the following terms, wherever used or referred to in this Act, shall have the following meaning, unless a different meaning appears from the context:~~

- ~~(a) The term "city" shall mean "City of Morristown."~~
- ~~(b) The term "board" shall mean "the city council of the City of Morristown, Tennessee."~~
- ~~(c) The term "federal agency" shall include the United States of America, the President of the United States of America, the Reconstruction Finance Corporation, or any other agency, instrumentality or corporation of the United States of America which has heretofore been or may hereafter be designated, created or authorized by or pursuant to any Act of Congress of the United States of America to make allowances or grants to municipalities.~~
- ~~(d) The term "sewerage system" shall be construed to include all or any part of the following: The collecting system, intercepting and out fall sewers, pumping facilities and treatment, purification and disposal plants, the disposition of sewage and industrial waste.~~

~~(Priv. Acts of 1967, ch. 487, § 1)~~

~~Sec. 3. Powers of city relative to sewerage system generally.~~

~~Be it further enacted. That the city acting by and through its board, shall have power and is hereby authorized to:~~

- ~~(a) Construct, enlarge, expand, repair, maintain and operate a sewerage system partially within or partially without the corporate limits of the city;~~
- ~~(b) Operate and maintain a sewerage system for its own purposes or for the benefit and use of its inhabitants, and also to operate and maintain such sewerage system for the benefit and use of persons, firms and corporations within the corporate limits of the city, and persons, firms and~~

²Note(s) — This Act purports to amend the Charter of Morristown, but it does not fit within the framework of the Charter; it is thus set out in full at this point.

corporations, including municipal corporations, which are situated or whose residence or places of business are situated outside the corporate limits of the city but within Hamblen County, Tennessee, and within a radius of ten miles from the corporate limits of the city.

- ~~(c) Contract with Hamblen County, Tennessee, for the furnishing of sewerage service to the county or to the inhabitants thereof where, by furnishing such service, the public health of the city will be protected and stream pollution eliminated.~~
- ~~(d) Accept from any federal agency or from the State of Tennessee or any agency of said state grants for or aid of the construction of a sewerage system.~~
- ~~(e) Contract debts for the construction, repair, replacement, extension, expansion and maintenance of a sewerage system; to borrow money and to issue its bonds to finance such construction, repair, replacement, extension, expansion and maintenance, and to provide for the rights of the holders of the bonds, and to secure the bonds as hereinafter provided.~~
- ~~(f) Fix, levy and collect fees, rents, tolls, or other charges for connecting to and for the use of the sewerage system, including the use for industrial waste.~~
- ~~(g) Acquire, by purchase or the exercise of the right of eminent domain, any property or easements or other right or interest in property necessary for the construction, reconstruction, extension or enlargement of a sewerage system whether such property be within or without the city or partially within and partially without the city.~~
- ~~(h) Make contracts and execute instruments containing such terms, provisions and conditions as in the discretion of the board may be necessary, proper or advisable for the purpose of obtaining a grant, loan or other financial assistance from any federal agency or from the State of Tennessee by virtue of any Act of Congress or Act of the Legislature of Tennessee; to make all contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of the construction of the sewerage system.~~
- ~~(i) Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in or for the furtherance of the construction of a sewerage system.~~
- ~~(j) Require the owner, tenant or occupant of each lot or parcel of land which abuts upon a street or other public way containing a sanitary sewer upon which lot or parcel a building exists for residential, commercial or industrial use to connect such building with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste or other polluting matter.~~
- ~~(k) Require the owner, tenant or occupant of each lot or parcel of land who is obligated to pay the charges made for the service furnished by the sewerage system to make a reasonable deposit in advance to insure the payment of such charges.~~
- ~~(l) The board may discontinue all services of the system to any owner, tenant, or occupant obligated to pay the charges made for the service furnished by the sewerage system in the event of failing to pay for any services of the system or for any other services rendered by the city, or its agencies, the charges for which other services are collected by the board or its agencies.~~
- ~~(m) Contract with the board of electric light and waterworks commission, or other person, firm or corporation: (1) to bill and collect fees, tolls, rents or other charges for the use of the sewerage system, as an added designated item on its water service bills, or otherwise, (2) to discontinue water service to sewer users who fail or refuse to pay sewer service charges, (3) not to accept payment of water service charges from any customer without receiving at the same time payment for any sewer service charges owed by such customer, (4) not to re-establish water service for any customer until such time as all past due sewer service charges owed by such customer have been paid, and (5) to make contracts on behalf of the city with customers desiring sewer service, and to require reasonable deposits as security~~

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for the payment of any charges under such contracts. The board is hereby authorized to perform all acts and discharge all obligations required by the provisions of any such contract. Any such contract may specify the manner of determining the amount of the electric light and waterworks commission's compensation for its services in connection therewith. The compensation for the electric light and waterworks commission's services in connection with sewer charges shall be fixed by the contract in keeping with the following general principles: (1) Such compensation shall be so fixed as to reimburse the electric light and waterworks commission for all expenses in connection therewith, including a fair and equitable portion of all joint expenses incurred by electric light and waterworks commission in handling its work in connection with sewer charges and in connection with other functions of the electric light and waterworks commission. (2) Such work shall be handled by the electric light and waterworks commission on a nonprofit basis, it being the intention that the compensation shall fully reimburse the electric light and waterworks commission for all of its expenses, both direct and indirect, in connection therewith, but shall not be so fixed that the electric light and waterworks commission will intentionally derive a profit therefrom. (3) A stated amount for each monthly bill rendered, or for other units of work performed by the electric light and waterworks commission thereunder, may be included in the contract as compensation for such work but any such stated amount shall be revised as soon as is reasonably practical after the end of each full calendar year of performance under said contract and such revised amount shall be then put in effect and shall continue in effect until the next annual revision, each such revised amount to be based upon the electric light and waterworks commission's actual operating expenses during the next preceding calendar year. Any such contract may contain such other additional provisions as the parties thereto may deem necessary or desirable to assure the collection on behalf of the city by the electric light and waterworks commission of the sewer charges imposed by the city.

- (n) — Perform any acts authorized under this act through or by means of its own officers, agents and employees or by contracts with the electric light and waterworks commission or private corporations, firms or individuals.
- (o) — Do all acts and things necessary or convenient to carry out the powers expressly given in this Act.

~~Sec. 4. Money received to be paid to recorder and deposited in bank.~~

Be it further enacted. That all proceeds received from the sale of bonds issued under this Act and all fees, rents, tolls or other charges received by the city from the operation of sewerage system, and all monies received from any federal agency of the State of Tennessee or state agency shall be paid to the city administrator, or in the absence of the office of the city administrator, the mayor, who shall not commingle any money so received with any other monies of the city, but the monies received shall be deposited in a separate bank account or accounts, in the name of the city.

(Priv. Acts 1984, ch. 214, § 5)

~~Sec. 5. Bonds—Election on issuance.~~

Be it further enacted. That the bonds herein authorized shall not be issued nor sold unless there first shall have been held an election to ascertain the will of the voters of the city respecting the issuance of said bonds and a majority of the legal votes cast at such election shall be in favor of the issuance of the bonds proposed to be issued. The board may, at any time after the passage and approval of this Act, adopt a resolution fixing the amount of bonds to be issued, and the date for such election, and on such date the election commissioners of Hamblen County shall hold an election at the regular voting precincts in the city, and shall name and designate the officials of said election, and shall call said election in the way and manner general municipal elections are called. All persons qualified to vote for the mayor and aldermen of the city who are otherwise qualified may vote at such

election. The election commissioners shall prepare ballots for each ward and precinct, on which shall be printed the words:

"FOR THE ISSUANCE OF SEWER
REVENUE BONDS"

"AGAINST THE ISSUANCE OF SEWER
REVENUE BONDS"

and voters shall indicate their desire by putting a cross (x) mark opposite their choice. The result of said election shall be certified by the officers thereof to the election commissioners of Hamblen County, Tennessee, within five days after such election is held, and the said county election commissioners shall then canvass and declare and certify the result of such election to the board.

~~Sec. 6. Same—Adoption of resolution; interest; registration privileges; execution; terms, covenants and conditions; maturity dates; minimum sale price; signatures; manner of sale; exempt from certain taxes.~~

Be it further enacted. That the revenue bonds provided for under the provisions of this Act may be authorized by resolution or resolutions of the board, which resolution or resolutions may be adopted at the same meeting at which they are introduced and may be adopted by a majority vote of the members of said board, and shall take effect immediately upon adoption. Such bonds shall bear interest at such rate or rates, not to exceed five per centum per annum, payable semiannually, may be issued all at one time or from time to time, may be payable at such place or places, may carry such registration privileges, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form (either coupon or registered) as such resolution or subsequent resolutions may provide. Said bonds shall bear such date or dates, may mature at such time or times, not less than three years (3) nor more than thirty (30) years, from their respective dates as the board may direct. Said bonds shall not be sold for less than par and accrued interest, and shall be signed by the mayor, and if coupon bonds are issued such coupons may bear the printed or lithographed facsimile signature of the mayor. Unless the bonds are sold to a federal agency, the bonds authorized to be issued by the provisions of this Act shall be sold at public sale in accordance with the provisions of Section 3707, Code of Tennessee of 1932.⁸ The bonds may be sold at private sale without any public advertisement to any federal agency. The bonds shall be fully negotiable for all purposes, and said bonds and the income therefrom shall be exempt from all state, county and municipal taxation except inheritance, transfer and estate taxes.

(Priv. Acts 1984, ch. 214 § 6)

~~Sec. 7. Same—Not affected by other debt limitations.~~

Be it further enacted. That bonds may be issued under the provisions of this Act notwithstanding and without regard to any limit on indebtedness of the city provided by the provisions of the Charter or other law.

⁸Note(s) — Priv. Acts 1984 ch. 214, purported to amended Priv. Acts of 1903, ch. 371. Research indicated that the year 1903 was an error and the Acts actually amended Priv. Acts of 1955 ch. 371.

~~Sec. 8. Same—Contents of resolution authorizing issuance.~~

Be it further enacted. That any resolution authorizing the issuance of revenue bonds under the provisions of this Act may contain covenants as to:

- ~~(a) The issuance of other or additional bonds payable from the revenues of said sewerage system;~~
- ~~(b) The operation and maintenance of such sewerage system;~~
- ~~(c) The insurance to be carried on the sewerage system and the use and disposition of insurance monies.~~
- ~~(d) The terms and conditions upon which the holders of said bonds or any proportion of them or any trustee therefor shall be entitled to the appointment of a receiver by the chancery court of Hamblen County, Tennessee, which court shall have jurisdiction in such proceeds and which receiver may enter and take possession of said sewerage system, operate and maintain the same, fix, levy and collect fees, rents, tolls or other charges, receive and apply all revenue thereafter arising therefrom, in the same manner as the city itself might do. The provisions of this Act and any such resolution or resolutions shall be a contract with the holder or holders of said bonds, and the duties of the city and board under this Act and any such resolution or resolutions shall be enforceable by any bondholder by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction.~~

~~Sec. 9. Same—Not invalidated when officers who signed bonds leave office; not affected by proceedings relating to acquisition, etc., of sewerage system.~~

Be it further enacted. That said bonds bearing the signature of officers in office on the date of signing thereof shall be valid and binding obligations notwithstanding that before the delivery thereof and payment therefor any or all persons whose signatures appear thereon shall have ceased to be officers of the city. The validity of said bonds shall not be dependent on nor affected by the validity or regularity of any proceedings relating to the acquisition, construction, reconstruction, extension or enlargement of the sewer system for which said bonds are issued. The resolution authorizing said bonds may provide that the bonds shall contain a recital that they are issued pursuant to this Act, which recital shall be conclusive evidence of their validity and the regularity of their issuance.

~~Sec. 10. Same—Constitute lien of revenue from sewerage system.~~

Be it further enacted. That all bonds of the same issue shall, subject to the prior and superior rights of outstanding bonds, claims or obligation, have a prior and paramount lien on the revenue of the sewerage system over and ahead of all bonds of any issue payable from said revenue which may be subsequently issued, and over and ahead of any claims or obligations of any nature against said revenue subsequently arising or subsequently incurred. All bonds of the same issue shall be equally and ratably secured without priority by reason of number, date of bonds, or sale, or execution or of delivery by a lien on said revenue in accordance with the provisions of this Act and the resolution or resolutions authorizing said bonds.

~~Sec. 11. Same—Authority to secure payment.~~

Be it further enacted. That in order to secure the payment of the bonds issued pursuant to this Act and interest thereon, the city shall have power as to such bonds:

- ~~(a) To pledge all or any part of the fees, rents, tolls or other charges received or receivable by the city from the operation of the sewerage system to the punctual payment of bonds issued therefor and interest thereon, and to covenant against thereafter pledging any such fees, rents, tolls or other charges to any other bonds or any other obligations of the city for any other purpose.~~

-
- ~~(b) To provide for the term, forms, registration, exchange and execution of such bonds.~~
 - ~~(c) To provide for the replacement of lost, destroyed or mutilated bonds.~~
 - ~~(d) To covenant as to the use and disposition of the proceeds from the sale of such bonds.~~
 - ~~(e) To covenant as to the fees, rents or tolls to be charged in connection with the sewerage system for which such bonds are to be issued and as to the use and disposition to be made thereof.~~
 - ~~(f) To covenant to set aside or pay over reserves and sinking funds for such bonds, and as to the disposition thereof.~~
 - ~~(g) Reserved.~~
 - ~~(h) To covenant as to its books of account and as to the inspection and audit thereof, and as to the accounting methods.~~
 - ~~(i) To covenant and prescribe as to what happenings or occurrences shall constitute "events of default," and the terms and conditions upon which any or all of such bonds shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived,~~
 - ~~(j) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.~~
 - ~~(k) To vest in any trustee or trustees the right to receive all or any part of the income pledged and assigned to or for the benefit of the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same, and the right to enforce any covenant made to secure or pay in relation to bonds; to execute and deliver a trust agreement or trust agreements which may set forth the powers and duties and remedies available to such trustee or trustees, and limiting the liabilities thereof and prescribing what occurrences shall constitute default, and prescribing the terms and conditions upon which such trustee or trustees or the holder or holders of bonds of any specified amount or percentage of such bonds may exercise such rights and enforce any and all of such covenants and resort to such remedies as may be appropriate.~~
 - ~~(l) To execute all instruments necessary or convenient in the exercise of the powers herein granted or in the performance of its covenants or duties.~~

~~Note(s) There was no subsection number (g) in this section as the Act was adopted by the state legislature.~~

~~Sec. 12. Same—Rights of holders.~~

~~Be it further enacted.~~ That any holder or holders of the bonds, including a trustee or trustees for holders of such bonds, shall have the right, in addition to all other rights:

- ~~(a) By mandamus or other suit, action or proceeding in any court of competent jurisdiction, to enforce his or their rights against the city and board and any officer, agent or employee of the city, including, but not limited to, the right to require the city and the board to fix and collect fees, rents, tolls or other charges, and to require the city and board and any officer, agent or employee of the city to carry out any other covenants and agreements and to perform its and their duties under this Act.~~
- ~~(b) By action or suit in equity to enjoin any acts or things which may be unlawful or a violation of the rights of such holder or holders of bonds.~~
- ~~(c) By suit, action or proceedings in the chancery court to require the board to account as if it were the trustee of an express trust.~~

~~Sec. 13. Same—Use of proceeds from sale.~~

~~*Be it further enacted.* That the proceeds derived from the sale of said bonds shall be used for the purpose of paying all the costs of the city of or incident to the construction by it, without being limited to, sewerage treatment and disposal plant or plants, sanitary sewers, storm sewers, combination sewers, the cost of lands, easements, rights of way and other properties needed in connection with such system and any and all cost and expense of any and every character in connection with or incident to said sewerage system, which cost shall include, among other things, the payment of any and all indebtedness incurred prior to the issuance of said bonds, including cost of engineering and planning, and all engineering, legal and other expenses, and the expense of issuing and selling bonds, and the interest on the outstanding bonds during construction of the sewerage system and for a period of six months after the completion of such construction.~~

~~Sec. 14. Action of board may be by resolution.~~

~~*Be it further enacted.* That any and all action required or authorized to be taken under this Act by the board may be by resolution, which resolution may be adopted at the meeting of the board at which such resolution is introduced, and shall take effect immediately upon adoption.~~

~~Sec. 15. Powers granted by Act are supplementary.~~

~~*Be it further enacted.* That power to issue bonds and construct a sewerage system under the provisions of this Act is hereby declared to be supplementary to and not in derogation of the right and power to issue bonds for and to construct a sewerage system under any existing law or laws.~~

~~Sec. 16. Severability of Act.~~

~~*Be it further enacted.* That should any section or part or parts of this Act be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such holding shall not invalidate any other part of this Act.~~

~~Sec. 17. Approval of Act by board.~~

~~*Be it further enacted.* That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the city council of the City of Morristown on or before the next regular meeting of such board occurring more than thirty days after its approval by the chief executive of this state. Its approval or nonapproval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the secretary of state.~~

~~(Priv. Acts of 1967, ch. 487, § 1)~~

~~Note(s)—This Act was approved by the board of mayor and alderman, as required by this section, which approval has been certified to the secretary of state.~~

~~Sec. 18. Effective date.~~

~~*Be it further enacted.* That this Act take effect from and after its passage, the public welfare requiring it.~~

~~Passed March 17, 1955.~~

Approved by Governor March 21, 1955.

Division D. Morristown Utilities Commission

Acts 1901, Chapter 392

~~AN ACT to create a board of electric light and waterworks commissioners for the municipal corporation of the board of mayor and aldermen of the Town of Morristown, Tennessee; to provide for their election, qualification and term of office; prescribe their duties and compensation, and to repeal so much and such parts of Chapter 88 of the Acts of the General Assembly of the State of Tennessee for the year 1893, entitled "An Act to authorize the board of mayor and aldermen of the Town of Morristown, in the County of Hamblen, State of Tennessee, to issue and sell coupon bonds of said town in a sum not exceeding forty thousand dollars, the proceeds thereof to be applied to the construction and equipment of waterworks of said town, and to provide for the management of such waterworks," as creates and defines the duties and qualifications of the board of waterworks commissioners and members thereof created by said Act.~~

ARTICLE III. Morristown Utilities Commission

Sec. 1. Name change; membership; appointment of members.

- (a) *Name—Authority.* The Board of Electric Light and Waterworks Commissioners is hereby designated the Morristown Utilities Commission. Said Utilities Commission shall have authority to manage and control the electric power and water utilities and, subject to city council approval, all other municipal utilities of the City of Morristown, Tennessee, ~~except sewer,~~ which are both within and without the corporate limits of the City, all in accordance with and subject to the requirements of state and federal laws, rules and regulations.
- (b) *Membership; Appointment; Term.* The commission shall consist of five (5) persons to serve five (5) year terms. In order to facilitate an orderly transition with respect to expansion of membership and term of office, the present terms shall be modified in the following manner:

<i>Term Expiring</i>	<i>Modified to Expire</i>
July 31, 2001	July 31, 2006
July 31, 2002	July 31, 2005
July 31, 2003	July 31, 2004

In addition to the enumerated modifications, there shall be two (2) additional commissioners to be appointed to increase the commission to five (5) members.

Each of the additional commissioners shall be appointed in accordance with the procedures provided herein for nominations. The first new appointment shall be made for a term beginning August 1, 2001 and expiring July 31, 2002. The second new appointment shall be made for a term beginning August 1, 2001 and expiring July 31, 2003. All subsequent terms of all commissioners shall be for five (5) years.

- (c) (1) Prior to the first day of July in each year, the commissioners shall submit to the Mayor a list of three (3) nominees for the commission seat expiring as of July 31st. The Mayor shall within thirty (30) days of submission of such nominees select from these names a nominee. A majority vote of the City Council shall be necessary for the election of such nominee as a commissioner. Should the City Council fail to take action to either approve or disapprove a nominee within a period of thirty (30) days following notice of such nomination to the City Council, the nominee shall be deemed elected.

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(2) (A) In the event that the City Council takes action within such thirty (30) day period but a nominee does not receive a majority vote of the City Council, the nomination procedure shall be repeated except that the commissioners shall have fourteen (14) days from notice of the City Council that a nominee did not receive a majority vote of the City Council in which to submit the names to the Mayor of three (3) nominees, which may include two (2) of the three (3) names not previously selected and submitted by the Mayor to the City Council.

(B) If a nominee is not selected from the second list submitted to the City Council by the Mayor under the procedure established in subdivision (A), a third and final list of nominees shall be submitted to the Mayor by the commissioners within the time period established for submitting the second list of names. If a nominee is not selected from the third list submitted to the City Council by the Mayor under the procedure established in subdivision (A), the provisions of subdivision (3) shall take effect.

(3) (A) The commissioners shall submit directly to the City Council a list of three (3) nominees for the commission seat expiring as of July 31st.

Such names shall be submitted to the City Council within fourteen (14) days from notice of the City Council that a nominee from the third list submitted by the Mayor to the City Council did not receive a majority vote of the City Council. The City Council shall have thirty (30) days from the date the list is submitted to the City Council to take an action to approve a nominee from the fourth list. The nominee receiving the highest number of votes from the City Council shall be the nominee. However, if a tie vote occurs between two (2) of the names submitted, the name of the nominee who received the fewest votes shall be eliminated and the City Council shall vote on the remaining two (2) nominees with the nominee receiving the highest number of votes being declared the nominee.

(B) If the City Council fails to take action to either approve or disapprove a nominee within such thirty-day period, the Mayor shall select the nominee from the list of three (3) names submitted to the City Council to be the commissioner.

(4) In the event of a vacancy during the term, said vacancy shall be filled for the remainder of the term in accordance with the procedures provided in subdivision (1) through (3) for nominations, and the commission shall make its nominations to the Mayor within thirty (30) days of the occurrence of the vacancy to commence the election process.

(Priv. Acts 2001, ch. 7, § 1; Priv. Acts 2012, ch. 52, § 1)

Sec. 2. Qualifications of commissioners; oath and bond; compensation; removal of commissioners; commissioners not to hold other office.

The commissioners shall be residents of said municipality, and reside within the corporate limits thereof. Said commissioners shall be elected by the city council as hereinbefore provided. Said commissioners, before entering upon their duties, shall make and subscribe an oath in writing to faithfully discharge their duties as such commissioners, and each will give bond in such sum as the corporate authorities may require, payable to the State of Tennessee, conditioned for the careful and faithful performance of their duties as such commissioners, and upon said bonds a right of action will be in the name of the State for the use of the party or parties aggrieved by any neglect of duty on the part of said commissioners. Said commissioners shall receive such compensation as the city council may determine, and any and all of them may be removed from office by the city council for malfeasance or misfeasance therein. No person holding any other office pertaining to said city shall be eligible for the office of commissioner.

(Priv. Acts 2001, ch. 7, § 2]

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Sec. 3. Chairman and secretary; quorum; records to be kept; powers and duties generally.

The commissioners, upon their election and qualification, shall organize by selecting one (1) of their number chairman and one (1) secretary. A majority of the commissioners shall constitute a quorum for the transaction of business, and all matters to be determined by them shall be determined by a majority vote, and they shall keep a record of all their transactions in a well-bound book, which shall be open, on demand, to the inspection of any and all citizens and taxpayers of the City of Morristown. Said utilities commissioners shall have charge and supervision of the electric light and water works systems of the corporation and with prior approval of city council, telecommunications, natural gas, ISP and CATV services and any other utility service, and shall have full power to make all contracts necessary to the operation thereof, employing such help as may be necessary, and fixing the salaries of all employees, and fixing rates for such services, and through their secretary, collect the same, it being the intention hereby to make said utility commissioners a separate and independent body for the performance of the duties of the positions to which they are elected. The fees or proceeds arising for the use of the various utilities, when collected, shall be kept separate from the other as a separate enterprise fund to be applied to the operation of each particular utility. The net proceeds of each utility shall only be liable for the debts and liabilities of that particular utility hereafter occurring, but the property of commission and proceeds thereof shall be liable for any debts heretofore contracted. Said commissioners will make reports at least annually to the city council, setting out in said report separately the receipts and disbursements of each of said utilities, and reciting therein all business transacted by them since the date of their last report.

(Priv. Acts 2001, ch. 7, § 3; Priv. Acts 2012, ch. 44, § 1)

Sec. 3A. ~~Authority to extend electric and waterworks systems.~~ Action of board of utilities commissioners may be by resolution.

~~The utilities commissioners of the City of Morristown may create, expand, enlarge and extend the utilities authorized by them to create or operate by city council to such point or points within or without the corporate limits of the City of Morristown in conformity with general law and as in their discretion may be deemed necessary or desirable.~~

~~(Priv. Acts 1947, ch. 198, § 1; Priv. Acts 2001, ch. 7, § 4)~~

Any and all action required or authorized to be taken under this Act by the board of utilities commissioners, except as statute or regulating authority may otherwise prescribe, may be by resolution, which resolution may be adopted at the meeting of the board at which such resolution is introduced, and shall take effect immediately upon adoption.

Sec. 3B. Repeal of conflicting Acts.

That all Acts or parts of Acts in conflict with this Act be and the same hereby are repealed.

(Priv. Acts 1947, ch. 198, § 1; Priv. Acts 2001, ch. 7, § 4)

Sec. 4. ~~Reserved.~~ Authority to construct, expand, and operate municipal utilities; power of condemnation; other powers.

~~(Priv. Acts 2001, ch. 7, § 5)~~

The utilities commissioners of the City of Morristown may create, construct, expand, enlarge, extend, and operate the municipal utilities they are authorized to operate to such point or points within or without the corporate limits of the City of Morristown in conformity with general law and as in their discretion may be deemed necessary or desirable. In order to expand, enlarge and extend said municipal utilities, the utilities commissioners and/or the city council for the City of Morristown is hereby, authorized and empowered to acquire either by purchase or condemnation all real estate necessary or proper to expand and extend said utilities. This shall include, but not be limited to any spring or springs of water, pump stations, rights of ways to and from such springs or pump stations, and for necessary pipe lines for conveying water either outside or within the corporate limits of said city; and it may take and appropriate such lands and grounds upon which are located springs of water, together with such quantity of land surrounding said watering places, as may be necessary or proper for the proper protection of such springs of water and for the location of pump stations and for rights of way for water mains, pipes, and other devices that may be necessary or proper for conveying currents of water in the operation of said waterworks system, and the utilities commissioners and/or the city council for the City of Morristown is hereby vested with full power and authority to acquire by purchase or condemnation proceedings the riparian rights of lower landowners along any stream, the spring or upper portion of which is acquired or the water from which is used under the provisions of this Act. Additionally, the utilities commissioners and/or the city council for the City of Morristown is hereby, authorized and empowered to acquire, by purchase or the exercise of the right of eminent domain, any property or easements or other right or interest in property necessary for the construction, reconstruction, extension or enlargement of a sewerage system whether such property be within or without the city or partially within and partially without the city.

That if it shall become necessary to condemn any private property for the use set out in this section of this Act, the utilities commissioners and/or the city council for the City of Morristown shall direct the general manager of the Morristown Utilities Commission, the mayor or some other administrative officer or the attorney for the Morristown Utilities Commission and/or the City of Morristown to proceed in the name of the Morristown Utilities Commission and/or the City of Morristown to have said property or right of way appropriated as provided for the taking of private property for works of internal improvements as stated in the general laws and Code of the State of Tennessee.

Additional powers of the Morristown Utilities Commission include:

- a) To fix, levy and collect fees, rents, tolls, or other charges for connecting to and for the use of each utility service.
- b) To make contracts and execute instruments containing such terms, provisions and conditions as in the discretion of the board of utilities commissioners may be necessary, proper or advisable for the purpose of obtaining a grant, loan or other financial assistance from any federal agency or from the State of Tennessee by virtue of any Act of Congress or Act of the Legislature of Tennessee.
- c) To make all contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of the construction, expansion, rehabilitation, and/or operation of each utility service.
- d) To enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in or for the furtherance of the construction of its utility functions.
- e) To require the owner, tenant or occupant of each lot or parcel of land which abuts upon a street or other public way containing a sanitary sewer upon which lot or parcel a building exists for residential, commercial or industrial use to connect such building with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste or other polluting matter.
- f) To require the owner, tenant or occupant of each lot or parcel of land who is obligated to pay the charges made for the utility service(s) furnished to make a reasonable deposit in advance to insure the payment of such charges.
- g) To discontinue any services of the system to any owner, tenant, or occupant obligated to pay the charges made for the service furnished by the utility in the event of failure to pay for said services of the system.

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- h) Perform any acts authorized under this act or otherwise authorized by the laws of the State of Tennessee.

Sec. 5. ~~Repeal of portions of certain Act.~~ LEFT BLANK INTENTIONALLY

~~Be it further enacted.~~ That so much and such parts of Chapter 88, of the Acts of the General Assembly of the State of Tennessee, for the year 1893, entitled "An Act to authorize the board of mayor and aldermen of the Town of Morristown, in the County of Hamblen, State of Tennessee, to issue and sell coupon bonds of said town in a sum not exceeding forty thousand dollars, the proceeds thereof to be applied to the construction and equipment of waterworks of said town, and to provide for the management of such waterworks," as creates and defines the duties and qualifications of the waterworks commissioners and the members thereof created by said Act, be and the same is hereby repealed.

Sec. 6. Effective date.

~~Be it further enacted.~~ That this Act take effect from and after its passage, the public welfare requiring it.

~~Passed February 6, 1901.~~

~~Approved by Governor February 7, 1901.~~

Division E. Extension of Waterworks System

Acts 1907, Chapter 255

~~AN ACT to authorize the mayor and aldermen of the Town of Morristown, in Hamblen County, Tenn., to extend the system of waterworks, to increase the efficiency and capacity thereof; and for this purpose to acquire additional real estate, springs of water, rights of way, pumping stations, and all other things necessary outside the corporate limits as well as within.~~

~~Sec. 1. Authority To extend system; power of condemnation.~~

~~Be it enacted by the General Assembly of the State of Tennessee.~~ That the city council of the City of Morristown, in Hamblen County, Tenn., be, and the same is hereby, authorized and empowered to extend its system of waterworks and increase the capacity and efficiency thereof, and for this purpose to acquire either by purchase or condemnation all real estate necessary or proper and spring or springs of water, pump stations, rights of ways to and from such springs or pump stations, and for necessary pipe lines for conveying water either outside or within the corporate limits of said city; and it may take and appropriate such lands and grounds upon which are located springs of water, together with such quantity of land surrounding said watering places, as may be necessary or proper for the proper protection of such springs of water and for the location of pump stations and for rights of way for water mains, pipes, and other devices that may be necessary or proper for conveying currents of water in the operation of said waterworks system, and the city council of the City of Morristown is hereby vested with full power and authority to acquire by purchase or condemnation proceedings the riparian rights of lower landowners along any stream, the spring or upper portion of which is acquired or the water from which is used under the provisions of this Act.

~~(Priv. Acts of 1967, ch. 487, § 1)~~

~~Sec. 2. Manner of conducting condemnation proceedings.~~

~~*Be it further enacted.* That if it shall become necessary to condemn any private property for the use set out in section 1 of this Act, the city council of said municipality shall first, by ordinance, determine the property necessary or proper for such uses, and shall direct the mayor or some other officer designated in the ordinance to proceed in the name of the City of Morristown to have said property or right of way appropriated as provided for taking private property for works of internal improvements by sections 1325 to 1347 of the Code of Tennessee, being Sections 1844 to 1866 of Shannon's Code.~~

~~(Priv. Acts of 1967, ch. 487, § 1)~~

~~State law reference(s) — Eminent domain, T.C.A. §§ 29-16-101 through 29-16-126.~~

~~Sec. 3. Effect of Act on prior Acts.~~

~~*Be it further enacted.* That nothing in this Act shall be so construed as to deprive the electric light and waterworks commissioners of this municipality of any of the power or jurisdiction which they now possess under the existing laws.~~

~~Sec. 4. Effective date.~~

~~*Be it further enacted.* That this Act take effect from and after its passage, the public welfare requiring it.~~

~~Passed March 4, 1907.~~

~~Approved by Governor April 8, 1907.~~

Division F. Funding and Refunding Bonds

Private Acts 1933, Chapter 277

AN ACT to authorize the mayor and aldermen of the Town of Morristown to issue bonds to fund or refund bonds, notes and other indebtedness and to levy a tax upon all taxable property in the municipality for the payment of such funding or refunding bonds and the interest thereon, and to provide a depository or depositories for moneys collected for the payment of such funding or refunding bonds and interests and to validate such outstanding bonds and notes.

~~Sec. 1. Authority to issue bonds and pledge full faith and credit of city.~~

~~*Be it enacted by the General Assembly of the State of Tennessee.* That the city council of the City of Morristown is hereby authorized to issue bonds of said municipality for the purpose of funding or refunding any or all bonds, notes and other indebtedness of said municipality now outstanding, and all bonds or notes hereafter issued in renewal or extension thereof, and to pledge the full faith and credit of the city council of the City of Morristown to the payment of such funding or refunding bonds and interest.~~

~~(Priv. Acts of 1967, ch. 487, § 1)~~

~~Sec. 2. Action to be by resolution; referendum not required.~~

~~*Be it further enacted.* That the city council of the City of Morristown, shall have full authority by resolution to carry out all powers conferred by this Act without submitting to electors or taxpayers the question of issuing such~~

bonds or the resolution authorizing the same; such resolutions may be finally passed at any regular meeting of the board not earlier than four days after its introduction and first reading, and shall be in force from and after its final passage.

(Priv. Acts of 1967, ch. 487, § 1)

~~Sec. 3. Determination of rate of interest and date of maturity; officers' signatures not invalidated when persons leave office; right of redemption before maturity.~~

Be it further enacted. That the city council of the City of Morristown, shall by resolution determine the rate or rates of interest to be paid, not exceeding six per centum per annum, and the time or times of payment of such interest, and the maturity or maturities of the bonds, which shall be at a time or times not exceeding twenty years from the date of the bonds, and shall likewise determine the form of the bonds, the officers by whom they shall be executed and the medium of payment and the place or places in Tennessee at which the principal and interest shall be payable. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until such delivery. The bonds may be made registerable as to principal alone and as to both principal and interest, under such terms and conditions as may be determined by the board. In the discretion of the board, the right to redeem all or any of the bonds before maturity may be reserved upon terms and conditions to be fixed by resolution, including the payment of a premium not exceeding five per centum of the par value of bonds redeemed before maturity.

(Priv. Acts of 1967, ch. 487, § 1)

~~Sec. 4. Exchange of bonds for other indebtedness.~~

Be it further enacted. That such bonds may be exchanged for not less than an equal amount of indebtedness to be retired thereby, including indebtedness not matured if the unmatured indebtedness be then redeemable or if the holders thereof be willing to surrender the same for retirement. Any of such bonds not so exchanged may be sold and the proceeds thereof shall be applied to the payment of such indebtedness due or redeemable or which may be so surrendered. But no funding or refunding bonds shall be sold except in the amount necessary to secure moneys for (a) the payment of matured or redeemable indebtedness or (b) the payment of unmatured indebtedness, the evidences of which shall then be on deposit with a bank or trust company in Tennessee, or in the City of New York for surrender to the city upon receipt therefor of a sum not exceeding the amount of such indebtedness. No sale or exchange of any such bonds shall be made for less than par and accrued interest unless the bonds sold bear interest at a lower rate than six per centum per annum, and in such cases they shall be sold for a price lower than that upon which the return to the purchaser, computed with relation to the absolute maturity of the bonds in accordance with the standard tables of bond values, is six per centum per annum.

~~Sec. 5. Annual ad valorem tax.~~

Be it further enacted. That in each fiscal year while any of such bonds shall be outstanding there shall be levied upon all taxable property in the municipality, and ad valorem tax sufficient to pay the interest thereon as it falls due and the principal of such bonds shall then have matured in accordance with their terms or by declaration of earlier maturity as in this Act provided, or which shall mature within the same fiscal year, and any sinking fund payments which may be provided for by the bonds or by the resolution authorizing the same, as well as all deficits in said interest, principal and sinking fund requirements arising by failure to comply with the provisions hereof or by failure to collect the taxes levied or otherwise; provided, however, that the board, in its discretion, may levy in any fiscal year a tax sufficient to pay, in addition to the interest or principal which shall fall due in such fiscal year, any portion of the interest or principal which shall fall due in the succeeding fiscal year, and may also levy in any

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fiscal year a tax for sinking fund payments in addition to the tax required by such payments by the resolution authorizing any of such bonds.

~~Sec. 6. Board may provide that sinking fund be used only for purchase and redemption of bonds authorized by resolution.~~

~~*Be it further enacted.* That the board may provide in the resolution authorizing the issuance of any such funding or refunding bonds, that the sinking fund provided for such bonds shall be used solely for the purchase or redemption of the bonds authorized by such resolution, and all bonds so purchased or redeemed shall be cancelled and shall not be reissued.~~

~~Sec. 7. Depositories.~~

~~*Be it further enacted.* That the board may provide in the resolution authorizing the issuance of any such funding or refunding bonds, that one or more trust companies or banks, either in Tennessee or in any other state, shall act as a depository or depositories of moneys provided for the payment of such bonds, interest or sinking fund, and that such moneys shall be paid to such depository or depositories by the collecting officer or agent of the municipality, as and when the same shall be collected, and may also provide in such resolution the manner and conditions under which such moneys shall be secured and paid out; provided, however, that unless otherwise provided in any such resolution, no such moneys shall be deposited in any depository in excess of five per centum of its combined surplus unless such depository shall have given as security therefor a surety bond approved by the board in the amount of such deposit, executed by a surety company qualified to transact business in Tennessee and acceptable to the United States government as surety for deposits in the amount of such deposit, or unless, in lieu of such surety bond as to all or any part of such deposit, the depository shall have lodged with the municipality or an agent thereof as collateral security an amount of bonds or other securities acceptable as security for postal savings deposits whose market value shall equal the amount of such deposit or such part thereof.~~

~~Sec. 8. Payment of expenses under Act.~~

~~*Be it further enacted.* That the city council of the City of Morristown, is hereby authorized to pay such expenses as the board may deem reasonable and proper for carrying out the provisions of this Act.~~

~~(Priv. Acts of 1967, ch. 487, § 1)~~

~~Sec. 9. Bonds not subject to other limitations of indebtedness.~~

~~*Be it further enacted.* That no bonds issued under the authority of this Act shall be subject to any limitations of indebtedness prescribed by any laws, general or special.~~

~~Sec. 10. Act supplemental.~~

~~*Be it further enacted.* That this Act is intended as a supplemental and additional grant of power to the municipality and shall not supplant or repeal any existing powers for the issuance of funding or refunding bonds, or any provisions of law for the payment of bonds issued under such powers, or for the custody of moneys provided for such payment.~~

~~Sec. 11. Act constitutes full authority.~~

~~*Be it further enacted.* That this Act constitutes full authority for the things herein authorized, and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized except such as are herein prescribed and required.~~

~~*WHEN BONDS MAY BE ISSUED; DIFFERENT SERIES OR
CLASSES MAY DIFFER IN TERMS, PROVISIONS AND
INTEREST RATES*~~

~~Sec. 12. When bonds may be issued; different series or classes may differ in terms, provisions and interest rates.~~

~~*Be it further enacted.* That the authority conferred by this Act may be exercised at any time or from time to time, and the authorization of funding or refunding bonds by one resolution shall not prevent the authorization of additional funding or refunding bonds by subsequent resolution or resolutions. One resolution may provide for the issuance of two or more separate series or classes of funding or refunding bonds and each series or class may have different terms and provisions from the others, and the bonds of each series or class may bear interest at different rates.~~

~~Sec. 13. Bonds exempt from taxation.~~

~~*Be it further enacted.* That no bonds issued under authority of this Act shall be subject to taxation by the State of Tennessee or by any county or municipality thereof, and said bonds shall so state in the face thereof.~~

~~Sec. 14. Severability of Act.~~

~~*Be it further enacted.* That the several clauses and parts of this Act are mutually independent of each other, and if any part of this Act should be unconstitutional or void or invalid no other part of this Act shall be affected thereby.~~

~~Sec. 15. Prior debts of city validated.~~

~~*Be it further enacted.* That all bonds and notes now outstanding which have heretofore been issued by said municipality, are hereby validated and legalized and declared to be valid obligations of said municipality.~~

~~Sec. 16. Effective date.~~

~~*Be it further enacted.* That this Act shall take effect from and after its passage, the public welfare requiring it.
Passed March 30, 1933.
Approved by Governor April 5, 1933.~~

~~Division G. Deed for Park Lands~~

~~Private Acts 1917, Chapter 797~~

- CHARTER OF THE CITY OF MORRISTOWN, TENNESSEE
- RELATED PRIVATE LAWS
Division G. Deed for Park Lands

AN ACT entitled "An Act to authorize and empower the trustees, J. F. Goodson, C. H. Darlington, John R. King, John B. Holloway, L. M. King, John A. Stubblefield and A. J. Bruner, or their successors in office, to convey certain lands to the mayor and aldermen of the Town of Morristown, Tennessee, for park purposes."

Whereas, on the twenty third day of April, 1892, the Montvue Land Improvement Immigration & Labor Company did, by deed which is registered in the Register's office in Morristown, Tennessee, in Deed Book No. 11, page 278, donate and convey to J. F. Goodson, C. H. Darlington, John R. King, John B. Holloway, L. M. King, John A. Stubblefield, and A. J. Bruner, and to their successors in office in trust, a certain parcel of land in Montvue addition to the Town of Morristown, Tennessee, described as follows, to-wit:

Beginning at the northeast corner of Montvue Avenue and Merwin street, thence crossing Merwin Street and including it S. 30 east with the eastern margin of Montvue Avenue 340 feet to the side of an alley, thence with said alley N. 60 E. 312 feet to the side of Cleveland Avenue; thence with Cleveland Avenue N. 30 W. 340 feet to the northwest corner of Cleveland Avenue and Merwin Street; thence with the north side of Merwin Street S. 60 W. 312 feet to the beginning.

And Whereas, on the same date, to-wit, April 23, 1892, O. C. King did, by deed which is registered in the Register's office in Morristown, Tennessee, in Deed Book 11, page 280 donate and convey to the same parties, to-wit: J. F. Goodson, C. H. Darlington, John R. King, John B. Holloway, L. M. King, John A. Stubblefield and A. J. Bruner, or their successors in office, in trust, a certain parcel of land in Montvue addition to the Town of Morristown, Tennessee, north of and adjoining the tract conveyed on the same day to them by said Montvue Land Improvement Immigration & Labor Company, described as follows, to-wit:

Beginning at the northeast corner of Montvue Avenue and Merwin Street, thence with the north side of Merwin Street N. 60 E. 312 feet to the west side of Cleveland Avenue, thence with said Avenue N. 30 W. 60 feet to the corner of Lot 81; thence with the line of Lots 81 and 53 S. 60 W. 312 feet to the east side of Montvue Avenue; thence with said Avenue S. 30 E. 60 feet to the beginning;

And Whereas, the object and purpose of both of said donations and conveyances was to consolidate said two tracts into one boundary and establish same as a public park or pleasure resort for the citizens of said Montvue Addition and the public generally, same however to be laid out, graded and improved for public park purposes by the citizens of Montvue Addition and the public generally, but to be controlled and governed by said grantees in trust and their successors in office;

And Whereas, the object and purpose of said donation and conveyance have not been attained owing to lack of means in the hands of said trustees and no improvements have been made on said land;

And Whereas, no power to convey said lands was lodged in said trustees by said two deeds of conveyance;

And Whereas, the mayor and aldermen of the Town of Morristown have proposed to lay out, grade and improve said lands for public park purposes and to keep and maintain same forever as a public park or pleasure resort in the manner contemplated by the donors in said town deeds of conveyance; upon the condition and in consideration of the title to said lands being vested in said mayor and aldermen;

Now therefore, be it enacted by the General Assembly of the State of Tennessee:

Sec. 1. Trustees authorized to convey property to city.

That J. F. Goodson, C. H. Darlington, John R. King, John B. Holloway, L. M. King, John A. Stubblefield, and A. J. Bruner, trustees, or their successors in trust, under said two deeds of conveyance above referred to, be, and they are hereby authorized and empowered to convey by quit claim deeds, said two parcels of land to the mayor and

aldermen of the Town of Morristown, Tennessee, upon the condition and for the consideration that said mayor and aldermen of said town will lay out said lands into a public park and will grade and improve same in a proper and respectable manner, and will forever keep and maintain same as a public park and pleasure resort for its citizens and the public generally, as contemplated by the donors in the two deeds aforesaid.

Sec. 2. Effective date.

~~Be it further enacted.~~ That this Act take effect from and after its passage, the public welfare requiring it.

~~Passed April 3, 1917.~~

~~Approved by Governor April 6, 1917,~~

Division H. Hotel Occupancy Tax

CHAPTER NO. 354

HOUSE BILL NO. 2217

By Shockley

Substituted for: Senate Bill No. 2301

By Hooper

~~AN ACT relative to the levy of a privilege tax by the city of Morristown on the occupancy in any hotel by transients.~~

~~BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:~~

ARTICLE IV. Hotel Occupancy Tax

Sec. 1. Definitions.

As used in this Act, unless a different meaning clearly appears from the context, the following definitions shall apply:

- (a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business, trust receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (b) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp, tourist cabin, motel or any place in which rooms, lodgings, or accommodations are furnished to transients for a consideration.
- (c) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (d) "Transient" means any person who exercises occupancy or is entitled to occupancy for any room, lodgings, or accommodations in a hotel for a period of less than ninety (90) continuous days.
- (e) "Consideration" means the consideration charged whether or not received, for the occupancy in a hotel valued in money whether to be received in ~~be received in~~ money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is

charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

- (f) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

Sec. 2. Tax levied.

The City of Morristown is hereby authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient up to a maximum rate of seven percent (7%) of the consideration charged by the operator. Said tax so imposed is a privilege tax upon the transient occupying said room and is to be collected and distributed as hereinunder provided.

(Priv. Acts 2002, ch. 150; Priv. Acts 2010, ch. 45, § 1)

Sec. 3. Operator's responsible for collecting tax.

Said tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel, such invoice to be given directly or transmitted to the transient, and shall be collected by such operator from the transient and remitted to the City Recorder of the City of Morristown.

Sec. 4. Tax due date.

The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms to the City Recorder of the City of Morristown, to be remitted to such officer not later than the 20th day of each month next following collection from the transient.

Sec. 5. Occupant responsible for paying tax.

No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator, or that it will be added to the rent, or that, if added, any part will be refunded.

Sec. 6. Delinquent taxes.

Taxes collected by an operator which are not remitted to the City Recorder on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and in addition for penalty of one-half of one percent (1/2 of 1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction by a fine not less than twenty-five dollars (\$25) nor in excess of fifty dollars (\$50). The fine levied herein shall be applicable to each individual transaction involving lodging services paid by a customer to the operator in those cases when the operator fails or refuses to pay the tax payable to the City Recorder.

Sec. 7. Operators duties.

It shall be the duty of every operator liable for the collection and payment of this tax, to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax for whose collection and payment to the municipality he may have been liable, which records the City Recorder shall have the right to inspect at all reasonable times.

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Sec. 8. Illegal assessment and collection.

In administering and enforcing the provisions of this Act, the City Recorder shall have as additional powers the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, Title 67, or otherwise provided by law.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Section 67-2313, it being the intent of this Act that the provisions of law concerning the recovery of erroneous tax payments to municipalities shall apply to the tax collected under the authority of this Act; provided, the City Recorder shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-2301, with respect to the adjustment and settlement with taxpayers of all errors of taxes collected by him under the authority of this Act and to direct the funding of the same. Notice of any tax paid under protest shall be given to the City Recorder, and suit for recovery shall be brought against him.

Sec. 9. ~~Use's~~ Uses of collected taxes.

The proceeds from the tax levied herein shall be retained by the municipality and deposited in the general funds of the municipality; however, twenty-five percent (25%) of the tax levied may be used to promote the development of tourism in the municipality. Proceeds of this tax may not be used to provide a subsidy of any form to any hotel or motel.

Sec. 10. Occupancy tax to be in addition to other taxes and fees.

The tax herein levied shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

Sec. 11. City recorder to enforce.

The City Recorder shall have the power to make and publish reasonable rules and regulations not inconsistent with this Act or other laws, for the enforcement of the provisions of this Act and the and the collection of revenues hereunder. Further the City Recorder shall design, prepare, print and make available to all persons who are subject to this Act, all necessary forms for filing returns and instructions to insure full compliance with the provisions of this Act.

Sec. 12. Ratification.

This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Morristown. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of the City of Morristown and certified by him to the Secretary of State.

Sec. 13. Effective date.

For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other proposes, it shall become effective upon being approved as provided in Section 12.

~~PASSED: April 8, 1982 SPEAKER OF THE HOUSE OF REPRESENTATIVES SPEAKER OF THE SENATE~~

~~APPROVED this 28 day of April 1982 GOVERNOR~~

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This is to certify that according to the official records in this office, House Bill No. 2217, which is Chapter No. 354 of the Private Acts of 1982, was properly ratified and approved and is therefore operative and in effect in accordance with [its] provisions.

GENTRY CROWELL
Secretary of State

~~Private Acts Comprising the Charter of the City of Morristown, Tennessee⁹~~

<i>Year</i>	<i>Chapter</i>	<i>Subject</i>
1901	392	Board of Waterworks Commissioners.
1903	103	Basic charter act.
1903	506	Amended § 13 of Priv. Acts 1903, ch. 103 by changing the boundaries.
1907	203	Amended § 8 of Priv. Act 1903, ch. 103.
1907	502	Amended § 2 of Priv. Acts 1903, ch. 103.
1909	314	Amended § 13 of Priv. Acts 1903, ch. 103, by changing the boundaries.
1911	501 ¹	Abutting property law.
1915	84	Amended §§ 3 and 5, of Priv. Acts 1903, ch. 103.
1917	94 ²	Amended Priv. Acts of 1911, ch. 501.
1917	543	Amended § 5 of Priv. Acts 1903, ch. 103 by changing the boundaries.
1917	640	Amended § 3 of Priv. Acts 1903, ch. 103.
1917	797	Deed for park lands.
1919	600	Authorized bond issue for high school purposes.
1921	489	Authorized bond issue for schools.
1921	616	Amended § 5 of Priv. Acts 1903, ch. 103.
1921	649 ³	Amended Priv. Acts of 1911, ch. 501.
1921	851	Authorized bond issuance for sewers.
1921	899 ⁴	Extensively revised charter.
1923	320	Authorized issuance of bonds for high school purposes.
1923	368	Authorized issuance of \$100,000.00 in bonds to fund floating indebtedness.
1925	23	Added § 20A of Priv. Acts 1903, ch. 103.
1925	598	Amended § 5 of Priv. Acts 1903, ch. 103.
1927	446	Zoning.
1927	792	Amended § 5 of Priv. Acts 1903, ch. 103.
1929	34	Authorized insurance of life of superintendent of waterworks.
1929	327	Validated funding bonds.
1929	581	Amended § 5 of Priv. Acts 1903, ch. 103.
1929	718	Amended § 5 of Priv. Acts 1903, ch. 103.
1929	864	Authorized issuance of \$30,000.00 in bonds to finance school building.
1931	157	Authorized issuance of bonds to build city hall.
1931	158	Amended § 5 of Priv. Acts 1903, ch. 103.
		(Repealed by Priv. Acts of 1965, ch. 283).

⁹Note(s) — Bond authorization and validation acts, since of a temporary nature with no general and continuing application, have not been included in the following compilation.

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- CHARTER OF THE CITY OF MORRISTOWN, TENNESSEE
Private Acts Comprising the Charter of the City of Morristown, Tennessee

1931	296	Amended § 5 of Priv. Acts 1903, ch. 103. (Repealed by Priv. Acts of 1965, ch. 283).
1931	441	Amended § 5 of Priv. Acts 1903, ch. 103.
1933	277	Funding and refunding bonds.
1933	695	Authorized issuance of \$1,240,100.00 in refunding bonds.
1935	24	Amended § 5 of Priv. Acts 1903, ch. 103.
1935	326	Authorized issuance of \$60,000.00 in bonds to improve real estate.
1941	527	Amended § 3 of Priv. Acts 1903, ch. 103.
1945	125	Amended § 13 of Priv. Acts 1903, ch. 103 by changing the corporate boundaries.
1945	266	Amended § 2 of Priv. Acts 1903, ch. 103.
1947	198	Amended Priv. Acts of 1901, ch. 392.
1947	200	Authorized issuance of \$250,000.00 in bonds for waterworks system.
1947	203	Authorized issuance of \$75,000.00 in bonds to acquire land for airport.
1947	204	Authorized issuance of \$350,000.00 in bonds to repair streets and sewers.
1947	206	Amended §§ 2, 5, and 21 of Priv. Acts 1903, ch. 103.
1947	680	Amended § 13 of Priv. Acts 1903, ch. 103, by changing the corporate boundaries.
1949	296	Validated waterworks bonds.
1949	297	Amended § 5 of Priv. Acts 1903, ch. 103. (Repealed by Priv. Acts of 1965, ch. 283).
1949	298	Amended § 5 of Priv. Acts 1903, ch. 103.
1949	520	Authorized issuance of \$750,000.00 in bonds for school purposes.
1951	471	Authorized issuance of \$25,000.00 in bonds to buy garage building.
1951	472	Authorized issuance of \$475,000.00 in bonds for general school improvements.
1951	473	Amended § 13 of Priv. Acts 1903, ch. 103, by changing the boundaries.
1953	72	Amended § 5 of Priv. Acts 1903, ch. 103.
1953	73	Amended § 5 of Priv. Acts 1903, ch. 103. (Repealed by Priv. Acts of 1965, ch. 283).
1953	74	Amended § 5 of Priv. Acts 1903, ch. 103.
1953	565	Amended § 5 of Priv. Acts 1903, ch. 103.
1955	361 ⁵	Amended §§ 4 and 20 of Priv. Acts 1903, ch. 103.
1955	370	Civil service system for fire and police departments.
1955	371	Sewage system.
1959	247	Amended § 5 of Priv. Acts 1903, ch. 103. (Repealed by Priv. Acts of 1965, ch. 283).
1961	41	Amended § 4 of Priv. Acts 1903, ch. 103.
1963	112	Amended Priv. Acts of 1947, ch. 206.
1963	254	Authorized issuance of refunding bonds,
1965	283	Repealed § 5 of Priv. Acts 1931, ch. 158; Priv. Acts 1931, ch. 296; Priv. Acts 1949, ch. 297; and Priv. Acts 1959, ch. 247.
1967	143 ⁵	Extensively amended Priv. Acts 1903, ch. 103.
1967	487	Amended §§ 3 and 5 of Priv. Acts 1903, ch. 103, by changing the style of corporation to "City of Morristown" and governing body to "City Council."
1971	128	Amended § 4 of Priv. Acts 1903, ch. 103.
1972	207	Amended §§ 4 and 5 of Priv. Acts 1903, ch. 103.
1976	247 ⁵	Amended § 5 of Priv. Acts 1903, ch. 103.

- CHARTER OF THE CITY OF MORRISTOWN, TENNESSEE
Private Acts Comprising the Charter of the City of Morristown, Tennessee

1977	7	Amended § 5 of Priv. Acts 1903, ch. 103, with regard to recorder's salary.
1978	256	Amended § 5 of Priv. Acts 1903, ch. 103, with regard to recorder's term of office.
1978	269	Amended § 2 and 3 of Priv. Acts 1903, ch. 103, with regard to terms of councilmen.
1980	196	Repealed subsection (30) of § 5 in Priv. Acts of 1903, ch. 103, which was added by Priv. Acts 1929, ch. 718.
1982	354	Levied hotel occupancy tax.
1984	214	Amended Priv. Acts 1903, ch. 103 with regard to eliminating city recorder position; appointment of police and recorder's duties.
1994	143	Amended Priv. Acts 1903, ch. 103, as amended by Priv. Acts 1955, ch. 370, relative to the Civil Service Act for the City of Morristown.
2000	138	Replaced § 2, city council and § 3, biennial elections; qualifications of electors; qualifications and duties of mayor.
2001	4	Amended § 2, city council and § 3, biennial elections; qualifications of electors; qualifications and duties of mayor.
2001	7	Replaced Priv. Acts 1902, ch. 392, §§ 1, 2, 3, 3A, and 3B and deleted § 4 all relative to the board of electric light and waterworks commissioners.
2002	150	Amended § 2 of related Act relative to the privilege tax levied on occupancy in any hotel by transients.
2004	78	Amended § 10 of related Act relative to the Civil Service Act for the City of Morristown.
2010	45	Amended § 2 of ch. 354 relative to the privilege tax levied on occupancy in any hotel by transients.
2012	44	Amended § 3 of ch. 392 relative to the duties and powers of utilities commissioners.
2012	52	Amended § 1(b) and added § 1(c) relative to election of utilities commissioners.

^{1,2} ~~Abutting property laws have not been included in the foregoing compilation because there are now general laws with substantially the same provisions available for use by all municipalities.~~

³ ~~This private act was not given local approval as required in the act and is therefore not contained in the foregoing compilation.~~

⁴ ~~Abutting property laws have not been included in the foregoing compilation because there are now general laws with substantially the same provisions available for use by all municipalities.~~

⁵ ~~This private act was not given local approval as required in the act and is therefore not contained in the foregoing compilation.~~

CHARTER OF THE CITY OF MORRISTOWN, TENNESSEE¹

CHAPTER 103

Senate Bill No. 150

AN ACT to incorporate the City of Morristown in Hamblen County, Tennessee.

ARTICLE I.

Sec. 1. Incorporation.

The inhabitants of the City of Morristown, as the same extends and is laid out, are hereby constituted a corporation and body politic, by the name and style of the "City of Morristown," and by the same name shall have perpetual succession; shall sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever, may purchase, receive and hold property, real and personal in their said city, and may sell, lease or dispose of the same for the benefit of said city; and may purchase, receive and hold property, real and personal, beyond the limits of the city, for corporate purposes; and may sell, lease or dispose of such property for the city; and to do all other acts, as natural persons. They shall have and use a common seal and change it at pleasure. They may own and control a waterworks system, electric light plant, gas plant and public school buildings and equipment.

(Priv. Acts 1967, ch. 487, § 1)

Sec. 2. City council.

There shall be a city council, which shall consist of a mayor and six (6) council members, who shall be elected by the qualified voters of the city to serve for a term of four (4) years, and until their successors are elected and qualified.

No person shall be elected to the council or to the office of mayor unless they are at least twenty-one (21) years of age by the election date, a citizen of the State of Tennessee, and a bona fide resident of the city for at

¹Cross reference(s)—Priv. Acts 1903, ch. 103 is the present basic Charter Act for the City of Morristown. This Act has been amended on numerous occasions since 1903. Many of the amending Acts revised or deleted specific sections of the 1903 Act. They have been incorporated in to the 1903 Act as set out here. Other Acts, however, were general amendments which did not expressly or in effect amend any particular section or part of the 1903 Act, but, in effect, supplemented it. These Acts have been placed after the basic Charter Act as "Related Private Laws." These Acts have also had their amendments incorporated. The basic Charter Act and related private laws should be considered together to determine what the current law is.

Bond authorization and validation Acts, since of a temporary nature with no general or continuing application, have not been included in this compilation. All private Acts through the 2014 session of the general assembly which relate to the city and which have been passed since the granting of the present basic Charter Act (including one—Priv. Acts 1901, ch. 392—which was passed before the granting of the basic Charter Act) have been enumerated for reference purposes at the end of this compilation of the Charter and related private laws.

least one year immediately preceding the election date. All council members and the mayor shall be elected at large.

Any person elected to the city council who removes from the city shall thereby vacate his office.

Before entering upon the duties of office, the mayor and council members shall take an oath to faithfully demean themselves in office, and perform the duties thereof. All vacancies in the council, including the office of mayor, shall be filled by a vote of a majority of the remaining members thereof, to serve until the next city election for members of council.

(Priv. Acts 1907, ch. 502, § 1; Priv. Acts 1945, ch. 266, § 1; Priv. Acts 1947, ch. 206, § 1; Priv. Acts 1967, ch. 487, § 1; and Priv. Acts 1978, ch. 269, § 1; Priv. Acts 2000, ch. 138, § 1; Priv. Acts 2001, ch. 4, § 1)

Sec. 3. Biennial elections; qualifications of electors; qualifications and duties of mayor.

Beginning in the year 2024, the terms of all sitting council members and mayor shall be extended such that council members previously representing the first ward and the third ward, having last been elected in May of 2021 and the at-large member last elected in May of 2021, may remain in their capacities until their successors are elected and seated, said elections to be held the first Tuesday following the first Monday in November of 2026, and that the mayor and council members previously representing the second ward and the fourth ward, having last been elected in May of 2023 and the at-large member last elected in May of 2023, may remain in their capacities until their successors are elected and seated, said elections to be held the first Tuesday following the first Monday in November of 2028. A transition seating newly elected council members and/or mayor shall occur on the last Monday of November following elections, provided elections have been certified by that date. Otherwise, a transition seating newly elected council members and/or mayor shall occur on the next Monday following such certification.

Beginning with the election of November 2026, voters will select up to three (3) candidates on a single ballot for the office of city council. The three (3) city council seats will be filled by the three (3) candidates receiving the highest number of votes. When two (2) or more shall have an equal number of votes preventing a determination of the three (3) highest, the election for any undetermined seat(s) shall be decided by a majority vote(s) of the council-elect and mayor-elect.

Every person entitled to vote for members of the General Assembly by the laws of the State and who shall have been a bona fide resident within the corporate limits for thirty (30) days next preceding the election shall be entitled to vote therein.

Nonresidents holding a freehold within the corporate limits of an assessed valuation of one hundred dollars (\$100) or other property subject to corporation taxes amounting to one hundred dollars (\$100) or over, shall be entitled to vote at said election. Said election shall be held as now provided by the laws of the State of Tennessee for such elections.

No person shall be elected mayor who is not at the time of election at least twenty-one (21) years of age, a citizen of the State of Tennessee, and a bona fide resident of the city for at least one year immediately preceding the election date. When two (2) or more shall have an equal number of votes for the office of mayor, the election shall be decided by a majority of the votes of the council-elect. No council member whose term extends beyond the next mayoral election may qualify as a candidate for the office of mayor if such council member holds office as such thirty (30) days prior to the final day for qualification as a candidate for mayor.

Such council member shall not be disqualified from being appointed by the council to serve as a council member until the next city election for members of council and mayor, to fill the vacancy created by his or her resignation from office. The mayor may fill all vacancies occurring in any offices, except that of council member, until the same be filled by election. It shall be the duty of the mayor to preside at all meetings of the council; to see that all the ordinances of the city are duly enforced, respected and observed within the city; to take an oath of office before entering upon the duties of the same; and to call special sessions of the council when the mayor deems it expedient. The mayor shall be entitled to a vote upon all matters before the council the same as a council

member, whether there be a tie or not, but shall not be entitled to vote as mayor and an additional vote as presiding officer.

(Priv. Acts 1915, ch. 84, § 3; Priv. Acts 1917, ch. 640, § 1; Priv. Acts 1941, ch. 527, § 1; Priv. Acts 1963, ch. 112; Priv. Acts 1967, ch. 487, §§ 1, 2; and Priv. Acts 1978, ch. 269, § 2; Priv. Acts 2000, ch. 138, § 2; Priv. Acts 2001, ch. 4, § 2)

Sec. 4. Appointment of city officers, employees, etc.; city administrator.

The city council shall have full power and authority to appoint all officers, servants and agents of the corporation, such as they may deem necessary and provide by ordinance. They shall also fix the compensation of such officers before their election, which shall not be increased or diminished during their continuance in office.

They shall also have power to dismiss any officer, servant or agent, by them appointed, three-fifths of said council concurring in such dismissal.

Or in the alternative, the council, by resolution, may appoint and fix the salary of the city administrator, who shall serve at the pleasure of the council, except that he may be removed during his first year in office only for incompetence or neglect of duty. He shall be appointed solely on basis of his executive and administrative qualifications, without regard to his political affiliations or place of residence, but during his tenure in office may reside outside the city only with the consent of the council. He shall give his full time to the office unless otherwise provided by resolution. The council may remove the city administrator only after adopting a preliminary resolution stating the reasons for his proposed removal, which shall be published once in the official city newspaper. If within five days after such publication the city administrator delivers to the mayor a written request for a hearing, a public hearing shall be held within ten to twenty days after publication of the preliminary resolution, to consider any written or oral statement he wishes to make, in person or through counsel. After following this procedure, and after the public hearing, if one be held, the council may adopt a final resolution of removal from which there shall be no appeal. The preliminary resolution may suspend the city administrator from duty, but in any event he shall be paid his regular salary until the time of adoption of the final resolution or removal. The council may, and if the council does not, the city administrator shall, designate a person to act as city administrator during his absence or inability to act. An acting city administrator may be appointed by the council to fill a vacancy in the office for not to exceed one year, who may be removed by the council at any time without regard to the procedure prescribed in this section for removal of the city administrator.

The city administrator shall be the executive head of the city government, responsible to the council for the efficient, orderly and business-like administration of the city's affairs. He shall be responsible for the enforcement of laws, rules and regulations, ordinances and franchises of the city, and the city attorney shall take such legal actions as the city administrator may direct for such purposes. The city administrator shall have authority to appoint, promote, demote, transfer, suspend and remove all department heads and employees and to direct and control their work, except as otherwise provided in this Act. He shall attend all meetings of the council when possible to do so and may participate in the discussions of the council, but shall have no vote. He shall submit to the council annual budgets, reports and such other information as he may deem necessary or that the council may require. He shall have authority to make allotments of funds within the limits of appropriations and no expenditure shall be made without his approval. He shall act as purchasing agent for the city. He may conduct inquiries and investigations into the conduct of the city's affairs and shall have such other powers and duties as may be provided by ordinances not inconsistent with this Act. All acts performed by the city administrator pursuant to the authority granted by this section shall be subject to review by the city council, and any authority granted to the city administrator by this section 4 may be enlarged or diminished, three-fifths of said council concurring in such action.

Nothing herein is to be construed to affect or interfere with the changes in the City Charter wrought by Priv. Acts 1955, ch. 370, entitled "An Act to Create the Civil Service Commission for the Town of Morristown".

(Priv. Acts 1961, ch. 41, § 1; Priv. Acts 1967, ch. 487, § 1; Priv. Acts 1971, ch. 128, §§ 1, 2; Priv. Acts 1972, ch. 207, § 1; and Priv. Acts 1984, ch. 214, § 2)

Sec. 5. Powers of city generally.

- (1) *Assessment, collection, etc., of property taxes; tax assessor.* Said city council shall have power within the corporation to levy, assess and collect taxes for municipal purposes upon property within said municipality, or otherwise liable therefor, taxable by law, for state purposes.
- (2) *Taxes on privileges and polls.* To levy and collect taxes upon all privileges and polls, taxable by the laws of the state.
- (3) *Appropriations and expenditures.* To appropriate money and provide for the payment of the debts and expenses of the city and to appropriate money for charitable uses and purposes, and provide by ordinance for the expenditure of the same, and, if necessary, to levy a special tax for such charitable uses and purposes. The fiscal year of the city shall begin on the first day of July and end on the last day of June.
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- (5) *Schools.* To establish a system of free schools within the city and by proceedings accruing to the general law of the land condemn property within the municipality for school and corporate purposes.
- (6) *General health; nuisances; vagrancy.* To make regulations to secure the general health of the inhabitants and to prevent and remove nuisances; to regulate and suppress vagrancy.
- (7) *Open, vacate, pave, etc., streets and sidewalks.* To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys and sidewalks, or to have the same done, and to grant privileges and franchises in the use of the same.
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- (9) *Market.* To erect a market house, establish a market and regulate the same.
- (10) *Public buildings.* To provide for the erection of all buildings necessary for the use of the city.
- (11) *Licensing and regulation of occupations and vehicles for hire.* To license, tax and regulate all occupations which are now or hereafter may be declared to be privileged occupations by the laws of the state; to license, tax and regulate automobiles, automobile trucks, automobile passenger busses, and taxicabs, carts, omnibuses, cabs, motorcycles, and all other vehicles; to fix the rate to be charged for the carriage of persons and property by any vehicles held out to the public use for hire within the city, and to require indemnity bonds in surety companies or indemnity insurance policies to be filed with the city by the owner or operator of any such vehicle, for the protection of the city or any person against loss by injury to persons or property; to make all needful rules and regulations of the government of such conveyance, and to provide where such conveyances may be parked, and fix the starting and stopping point, within the city, of such vehicles, whether same are to be operated wholly within the city or from a point in the city to points outside, and whether the same be operated along fixed routes and according to fixed schedules or along different routes and without schedules; to designate the streets over and along which automobiles and other vehicles used for the purpose of affording street transportation may be operated, and to fix the rate to be charged for transportation of passengers.
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- (13) *Amusements, shows, exhibitions, etc.* To license, tax and regulate and suppress theatrical and other exhibitions, shows or amusements.
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- (20) *Appointment of police; imposition of penalties for violations of ordinances; city judge: appeals from convictions.* To appoint and regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery and appropriation and such recovery may be had before the mayor or before the city judge, who shall be appointed by the city council as hereinafter provided, and who shall be a citizen of the city and an attorney licensed to practice law in the State of Tennessee, with jurisdiction in either of said officers to issue warrants, render judgments, issue executions and such other process as may be necessary for the enforcement of fines, forfeitures and penalties for the violation of ordinances of said corporation; and any person against whom a judgment has been rendered by the mayor or city judge, for violation of any of the ordinances of the city, may within ten (10) days thereafter, appeal to the Circuit Court of Hamblen County, Tennessee, upon giving bond and security in the sum of two hundred fifty dollars (\$250.00) for his appearance at the next term of said court to be held thereafter, conditioned according to the terms of appearance bonds required by law in criminal cases.

The office of city judge is hereby created and said judge shall be appointed for such terms and paid such salary as established by the city council through ordinance.

- (21) *Riotous and disorderly persons.* To provide for the arrest and confinement until trial of all riotous and disorderly persons within the corporation, by day or by night; to authorize the arrest of all suspicious persons found violating any ordinance of the city.
- (22) *Breach of the peace; disorderly assemblies.* To prevent and punish, by pecuniary penalties, all breaches of the peace, noise, disturbances, or disorderly assemblies in any street, house or place in the city by day or by night.
- (23) *Encroachments on streets, etc.* To prevent and remove all encroachments into and upon all streets, lanes, alleys and avenues established by law or ordinance.
- (23a) *Zoning.* To regulate by ordinance the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of lot which may be occupied, size of yards, courts, and other open spaces, the density of population, and the uses of buildings, structures, and land for trade, industry, residences, recreation, public activities, and other purposes, and to create and appoint a city planning commission in connection with said corporate power and authority, and to this end, said municipality is granted all the rights, powers, and authority which are granted to municipalities generally by Chapter 34 of the Public Acts of the General Assembly of the State of Tennessee for the year 1935, and by Chapter 44 of the Public Acts of the General Assembly of the State of Tennessee for the year 1935, and by Chapter 74 of the Public Acts of the General Assembly of the State of Tennessee for the year 1945.

Note(s)—See T.C.A. §§ 13-4-101 to 13-4-105, 13-4-201 to 13-4-203, 13-7-201 to 13-7-210; and 42-6-101 to 42-6-115.

- (24) *Obstructions on sidewalks; repair and cleaning of sidewalks and curbstones.* To remove all obstructions from the sidewalks, and to provide for the construction and repair of all sidewalks and curbstones, and for cleaning the same.
- (24a) *Airport.* To establish, operate and regulate a municipal airport, within or without the corporate limits of said municipal corporation, and to this end said municipality is granted all of the rights, powers, and authority as is granted to municipalities generally by Chapter 74 of the Public Acts of the General Assembly of the State of Tennessee for the year 1931, as amended, being an Act entitled, "An Act to authorize Counties and Municipalities, jointly and separately, to establish and maintain airports, to authorize Counties and Municipalities to regulate such airports, and to confer upon the Counties and Municipalities the power to acquire by condemnation lands necessary for such airport".

Note(s)—See T.C.A. §§ 42-5-101 to 42-5-109.

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- (24b) *Off-street parking facilities.* To establish off-street parking facilities for vehicles within the corporate limits of the city; to regulate the operation of the same by ordinance expressly including the power to establish if deemed necessary, charges to be paid for the use thereof; to expend corporate funds for that purpose; and to exercise the power of eminent domain to carry out the intent and purpose of this subsection.
- (25) *Alcoholic beverages.* To regulate by ordinance the sale by retail for beverage purposes, or the giving away for beverage purposes, of intoxicating liquors, including ale, wine, and beer, within the limits of such corporation, and to provide by ordinance suitable penalties for the violation of such ordinance, and to prevent the sale or giving such liquors to minors, within the limits of such corporation, and to provide suitable penalties for violation of same.
- (26) *Ordinances generally; meetings of city council.* To pass all ordinances not contrary to the Constitution and laws of the state that may be necessary to carry out the full intent and meaning of this Act, and to accomplish the object of their incorporation. And this shall expressly include the power to fix, by ordinance, the date and hour of regular meetings of the city council. To enforce all aforementioned ordinances within the corporate limits of the City and upon property outside the City that is owned by the City, where the city council has established that such ordinances shall apply.
- (27) *Sewer connections; authority to prohibit cesspools, privies, etc.* That said city council and/or the Morristown Utilities Commission is hereby empowered by ordinance to compel the owners of real estate fronting on, contiguous to, or bounded by any street or streets of said city, in which street or streets are laid water mains and sanitary sewers, to connect such surface closets or privies as may be maintained on said premises with said sanitary sewer, and to provide the flushing and cleansing of said closets and privies.

Said city council is further authorized and empowered to prohibit by ordinance, the maintenance of any cesspool, surface closet or privy on any premises fronting on, contiguous to, or bounded by any street or streets of said city in which street or streets are laid water mains and sanitary sewers.

Said city council is further authorized to fix by ordinance the time within which connections shall be made with sanitary sewers as above indicated, after notice so to do has been given, and shall have the right to determine and fix by ordinance the character of notice to be given and to prescribe the penalty for failure to observe and comply with said notice and are expressly authorized to take all necessary steps to enforce the discontinuance and removal of said cesspools, surface closets and privies within the limits and boundaries above set out.

Said city council is further authorized and empowered to declare the maintenance of cesspools, surface closets and privies within said districts above indicated, a public nuisance, and shall have the right to abate same in the manner provided by law, and particularly shall have the right to enjoin the continuance and maintenance of same.

- (27a) *Inoculation of dogs.* To pass ordinances requiring owners and other persons having the custody of dogs within the corporate limits of the city, to have such dogs inoculated so as to render them immune from rabies.

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- (29) *Tax collector, records custodian.* The office of tax collector and records custodian shall be filled by the city administrator, or in the event there be no city administrator, by the mayor. The city administrator or mayor, as the case may be, shall give a separate bond as records custodian, in an amount fixed by the city council, conditioned, to safely keep the records of the municipality, and to account for all monies received by said office as records custodian, and shall give another bond as tax collector of said municipality, the penalty thereof, to be fixed by the city council, which bond shall be conditioned to faithfully account for, and pay over to the proper parties, all monies received by him as tax collector for the municipality; said bond shall be approved by the city council and be entered of record in the minute book of the municipality.

Said officer shall collect all taxes of every kind and character due the municipality, and shall make reports to the city council as directed by it covering the receipt and disbursements of his office, showing the financial condition of the city.

He shall collect all taxes of every kind and character, due the said municipality, and shall make semiannual reports to the city council covering the receipt and disbursements of his office, showing the financial condition of the city. Said recorder and tax collector shall devote his time and attention to the performance of his duties, to the end that said duties shall be properly and efficiently performed. No other business of any kind, either public or private, except that pertaining to the municipality shall be carried on by him in said municipal building.

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(34) *Parking spaces for vehicles for hire, emergency vehicles and merchants' vehicles.* It shall have power, in regulating the use of the streets of said City, to, by ordinance, designate and set apart parking space for taxicabs and other automobiles or vehicles used for hire; ambulances, automobiles, trucks or other vehicles of the police and fire departments, of said municipality, as well as trucks and vehicles used by merchants, and regulate the use thereof for certain specific purposes, for which use, in the discretion of the council, it may charge a reasonable fee.

(Priv. Acts 1915, ch. 84, §§ 1, 2, 4; Priv. Acts 1917, ch. 543, § 2; Priv. Acts 1921, ch. 616, §§ 1, 2, 3, 5, 6; Priv. Acts 1925, ch. 598, §§ 1, 2; Priv. Acts 1927, ch. 792; Priv. Acts 1929, ch. 581, §§ 1, 2, 3; Priv. Acts 1929, ch. 718, § 1; Priv. Acts 1931, ch. 158, § 1; Priv. Acts 1931, ch. 296, §1; Priv. Acts 1935, ch. 24, § 2; Priv. Acts 1947, ch. 206, §§ 3, 4; Priv. Acts 1949, ch. 297, § 1; and Priv. Acts 1949 ch. 298, § 1; Priv. Acts 1953, ch. 72, § 1; Priv. Acts 1953, ch. 73, § 1; Priv. Acts 1953, ch. 74, § 1; Priv. Acts 1953, ch. 565, § 1; Priv. Acts 1959, ch. 247, § 1; Priv. Acts 1965, ch. 283, § 1; Priv. Acts 1967, ch. 487, §§ 1, 3, 4; Priv. Acts 1972, ch. 207, § 2; Priv. Acts 1977, ch. 7, § 1; Priv. Acts 1978, ch. 256, § 1; and Priv. Acts 1984, ch. 214, § 3)

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Sec. 7. Authority to fix due-date of taxes and penalties for nonpayment of same.

Said city council is hereby empowered to fix by ordinance the time when taxes for municipal purposes shall be levied and assessed, when same shall be due and payable, the manner in which same shall be assessed and collected, and provide for interest and penalties on same for nonpayment when due.

(Priv. Acts 1967, ch. 487, § 1)

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Sec. 10. Original mayor and aldermen.

From the date of the passage of this Act, until the first Monday in January, 1905, the city council of said City of Morristown, shall be and consist of Ed. M. Grant, Mayor; John A. Rhea, E. J. Bettis, W. S. Myers, John B. McCord, J. W. Richardson and M. A. Goodson, Aldermen, or any successors that may be elected under the provisions of this Act, to fill any vacancies that may occur in said board by reason of the death, resignation or removal of any one or more of said mayor or aldermen.

Provided, also, that said city council above designated, shall remain in office until their successors are duly elected and installed.

(Priv. Acts 1967, ch. 487, § 1)

Sec. 11. Collection of delinquent taxes, fines, etc., owed to prior corporation.

All past due and uncollected taxes, levied and assessed by board of mayor and aldermen of the late corporation of Morristown, or their legally authorized agents and officers, and all fines, penalties and other assets of said former corporation, are hereby declared to be the property of the municipality hereby created, and shall be collected by the city council of the municipality hereby created by their officers and agents, and applied to the use and benefit of said municipality under the ordinances and orders of said city council.

(Priv. Acts 1967, ch. 487, § 1)

Sec. 12. Date of assessment of property: levy of taxes.

Said city council may cause an assessment of the property and polls within said municipality to be made as of January 10, 1903, and may levy such tax thereon as they may deem necessary for the purpose of sustaining the interests of said municipality. [As amended by Priv. Acts 1967, ch. 487, § 1]

Sec. 13. Boundaries of city.

The corporate limits of said city shall be as follows:

Beginning at a point in the eastern margin of the Economy Road where it intersects with the northern margin of U. S. Highway 11-E, said point of beginning being between the properties of W. J. Keith and W. C. Pettigrew; thence with the eastern margin of said Economy Road, north 3 degrees 52 minutes east 337.9 feet to a stake at Keith's northwestern corner; thence still with the eastern margin of said road, north 4 degrees 34 minutes east 440.2 feet; north 7 degrees 40 minutes east 207.4 feet; north 4 degrees 53 minutes west 98.3 feet; north 27 degrees 52 minutes west 521 feet to a stake in the eastern margin of the said Economy Road at the point where the same turns westwardly; thence north 29 degrees 34 minutes east 1217.9 feet to an iron pin at the extreme northwest corner of the Lyn-Mar Hills Subdivision; thence with the northern boundary of said Lyn-Mar Hills Subdivision, north 79 degrees 06 minutes east 1183.0 feet to an iron pin at a large oak tree, the northeast corner of said subdivision, and being also in the line of Fairmont Avenue, if projected; thence with said avenue, if projected, south 12 degrees 54 minutes east (passing the northwest corner of Mack Long at 29 feet), running, in all, 408.5 feet to a stake in the southern property line of Mack Long; thence with the said Mack Long's southern property line north 67 degrees 02 minutes east 690.0 feet to a stake on top of the hill; thence north 41 degrees 23 minutes east 1645.2 feet to a stake in the present corporation line where the same corners with John Shipley and W. J. Barron; thence with the present corporation line north 17 degrees 00 minutes east 919.8 feet to a stake; north 35 degrees 00 minutes east 377.7 feet to a stake in the present corporation line in the center of the road west of and near the colored cemetery; thence with the center of said road north 45 degrees 01 minute west 1513.8 feet to a stake at the end of the road in the southern line of the Housley property (Boyd Ewing called in temporary description); thence with Housley's line north 13 degrees 23 minutes east 138.9 feet to a stake; thence with the line of a fence down the west side of a drain and running through the Housley property north 55 degrees 26 minutes west 496.3 feet to a stake by a large black oak; thence north 29 degrees 20 minutes west 295.8 feet to a stake in the southern margin of the Havely Springs Public Road; thence with the southern margin of said road north 9 degrees 27 minutes east 234.7 feet to a stake; thence north 16 degrees 08 minutes east 845.7 feet to a point at the intersection of the southern margin of said Havely Springs Road with the old Long's Ferry or Turley's Mill pike; thence crossing said pike and thence with the projected center line of Algonquin Drive and with the center line of said Drive, south 17 degrees 10 minutes east 520 feet to a stake in the center of same midway between Choctaw Street and Mohawk Street of said Cherokee Hills Addition; thence with the back lot lines between said streets south 68 degrees 30 minutes west 587.8 feet to a stake near the top of the hill; thence running through Cherokee Hills Addition, south 18 degrees 34 minutes east 711.4 feet to a stake 300

feet north of the northern property line of Mrs. Mollie Turley; thence south 56 degrees 21 minutes west 928.5 feet to a stake 500 feet east of U. S. Highway 25-E and 300 feet north of the northern property line of Mrs. Mollie Turley; thence parallel to and 500 feet east of said U. S. Highway 25-E, south 42 degrees 44 minutes east 762.0 feet; south 37 degrees 38 minutes east 265.0 feet; south 31 degrees 25 minutes east 265 feet; south 23 degrees 30 minutes east 295.0 feet; south 9 degrees 45 minutes east 489 feet to a stake 500 feet east of U. S. Highway 25-E; thence due west 446.0 feet to a large elm 54 feet east of said highway at the junction of Old Springvale Road with U. S. Highway 25-E; thence crossing said U. S. Highway 25-E, Turkey Creek, and the Ashville Division of the Southern Railway Company, south 81 degrees 25 minutes west 260 feet to a stake in the western right of way line of said Southern Railway Company; thence with said western right of way of said railway north 15 degrees 28 minutes west 260.0 feet; north 30 degrees 00 minutes west 295.0 feet; north 44 degrees 10 minutes west 299.0 feet; north 47 degrees 15 minutes west 452 feet; thence still with said right of way north 40 degrees 47 minutes west 301.0 feet; north 45 degrees 19 minutes west 367.0 feet to a stake in the west right of way line of said Southern Railway Company at the Cold Springs Lane; thence leaving said right of way south 56 degrees 45 minutes west 1684.0 feet to a stake in the eastern boundary line of the Walter Brown property (said stake witnessed by a 14-inch locust tree which bears south 54 degrees 45 minutes west 51 feet); thence with said Walter Brown's property line north 41 degrees 30 minutes west 850.0 feet to a stake, corner of said Brown; thence north 87 degrees 30 minutes west 614.0 feet to a stake, corner of said Brown; thence north 87 degrees 00 minutes west 807.0 feet to a large poplar tree, corner to said Walter Brown, and situated in the southern edge of Linnie Avenue at the entrance of the lane leading to the home of said Walter Brown; thence with the southern edge of said Linnie Avenue, south 68 degrees 45 minutes west 801.0 feet to a point in the center of Sulphur Springs Road; thence south 44 degrees 27 minutes west 2787.7 feet to a stake in the center of Fairmont Avenue as extended, with the Jernigan Cemetery Road; thence with the northern side of said Jernigan Cemetery Road; south 89 degrees 30 minutes west 505.5 feet to a stake in the eastern edge of Valley Home Road or Old Dandridge Pike; thence north 40 degrees 30 minutes west 3859.0 feet to a stake in the eastern margin of the Economy Road in the south right of way line of the Knoxville Division of the Southern Railway Company; thence with the eastern margin of said Economy Road and crossing said Southern Railway and U. S. Highway 11-E, north 3 degrees 52 minutes east 1119.0 feet to the place of beginning.

Also, that property situated in the Fifth Civil District of Hamblen County, Tennessee, and more particularly described as follows:

Beginning at a stake in the eastern line of the Walter Brown property (said stake witnessed by a 14-inch locust tree which bears south 54 degrees 45 minutes west 51 feet); thence with said Walter Brown's property line north 41 degrees 30 minutes west 850 feet to a stake, corner to said Brown; thence north 87 degrees 30 minutes west 614 feet to a stake, corner to said Brown; thence north 87 degrees 00 minutes west 807 feet to a large poplar tree, corner to said Walter Brown and situated in the southern edge of Linnie Avenue at the entrance of the lane leading to the home of said Walter Brown; thence with the southern edge of said Linnie Avenue south 68 degrees 45 minutes west 801 feet to a point in the center of Sulphur Springs Road; thence leaving the present corporation line and running with the center of said Sulphur Springs Road and said Walter Brown's line south 24 degrees 30 minutes 1297 feet to a point in the center of said road; thence south 20 degrees 00 minutes east 221 feet to a point in the center of said road west of a large oak tree; thence running across said Walter Brown's farm north 65 degrees 00 minutes east 2285 feet to the place beginning. This survey embraces about seventy acres of land belonging to Walter Brown.

The boundaries as herein set out have been extended by the following annexation ordinances: 2288, 2289, 2290, 2293, 2294, 2295, 2296, 2299, 2305, 2306, 2307, 2308, 2309, 2313, 2318, 2328, 2329, 2330, 2331, 2338, 2358, 2373, 2374, 2382, 2409, 2410, 2418, 2419, 2439, 2443, 2444, 2445, 2446, 2481, 2482, 2512, 2567, 2609, 2628, 2653, 2681, 2682, 2683, 2684, 2690, 2704, 2705, 2477, 2717, 2722, 2723, 2725, 2726, 2732, 2733, 2740, 2744, 2745, 2848, 2850, 2855, 2866, 2867, 2879, 2881, 2884, 2894, 2914, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2951, 2955, 2966, 2968, 2972, 2979, 2980, 2991, 2992, 2995, 2996, 2997, 3045, 3046, 3049, 3050, 3057, 3058, 3059, 3060, 3061, 3062, 3070, 3074, 3077, 3079, 3090, 3096, 3098, 3109, 3110, 3111, 3120, 3125, 3126, 3130, 3131, 3138, 3133, 3134, 3136, 3137, 3142, 3143, 3144, 3156, 3174, 3175, 3180,

3183, 3184, 3185, 3186, 3187, 3188, 3195, 3201, 3207, 3208, 3216, 3217, 3218, 3225, 3228, 3229, 3230, 3233, 3235, 3240, 3241, 3246, 3249, 3260, 3262, 3263, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3286, 3287, 3289, 3290, 3291, 3296, 3304, 3308, 3309, 3310, 3311, 3323, 3334, 3336, 3346, 3347, 3348, 3349, 3353, 3354, 3405, 3409, 3422 and 3423.

(Priv. Acts 1903, ch. 506, § 1; Priv. Acts 1909, ch. 314, § 1; Priv. Acts 1917, ch. 543, § 1; Priv. Acts 1947, ch. 689, § 1; Priv. Acts 1949, ch 298, § 2; Priv. Acts 1951, ch. 473, § 1; and Priv. Acts 1967, ch. 487, § 1)

Sec. 14. Debts and liabilities of former corporation.

All and singular of the debts and liabilities of the former corporation of Morristown, Tennessee, whether evidenced by bonds, warrants or otherwise, are hereby declared to be valid and subsisting debts of the corporation of Morristown, created by this Act; and shall be provided for and paid according to the provisions of the laws and ordinances providing for the creation of such debts, and the city council herein provided for shall have full power and authority to carry out the provisions of this section.

(Priv. Acts 1967, ch. 487, § 1)

Sec. 15. Continuation of ordinances and resolutions.

All ordinances and resolutions of the former corporation of Morristown which were in force at the date of the abolishing of the charter of said former corporation are hereby declared to be in full force and effect as the ordinances and resolutions of the corporation created by this Act, until such time as the same shall be repealed, altered or modified by the authority of the city council of the corporation created by this Act.

(Priv. Acts 1967, ch. 487, § 1)

Sec. 16. Continuation of former officers.

The officers and agents of the former corporation of Morristown are hereby declared to be officers and agents of the corporation created by this Act, until such time as they may be discharged or superseded by authority of the city council appointed by this Act.

(Priv. Acts 1967, ch. 487, § 1)

Sec. 17. Transfer of property of former corporation.

All property, both real, personal and mixed, belonging to the late corporation of Morristown, is hereby declared to be the property of the corporation created by this Act.

Sec. 18. Codification of ordinances—Required every five years: admissibility as evidence.

There shall be prepared and published by the city council a digest or codification of all ordinances and resolutions of a public nature thereof every five years. Said digest or codification, when so published, shall show that it is published by authority of the corporate authorities, and it shall be received and read in all the courts of the state as evidence of the ordinances, resolutions and facts pertaining to the municipality and contained therein.

(Priv. Acts 1967, ch. 487, § 1)

Sec. 19. Same—Continuation of former Code.

The last and present digest or codification of the ordinances and resolutions of a public nature of said municipality and published by the authority of the city council, are hereby declared to be the laws and ordinances of said city upon the matters touched upon therein, excepting such as have been repealed, altered or amended, since the publication thereof, and as such shall be received and read in evidence in all the courts of the state.

(Priv. Acts 1967, ch. 487, § 1)

Sec. 20. Municipal Utility Extension.

Said municipality, "The City of Morristown", and/or the Morristown Utilities Commission, be, and hereby is given the power of eminent domain according to the law of the land and the laws and statutes of the State of Tennessee relative thereto, with full power, in accordance therewith, to condemn, for all municipal and corporate purposes, both within and outside the municipal boundaries, lands, and easements, including right of way for city- or commission-owned utility systems, including but not limited to grounds and sites for pumping stations and for the manufacture of electricity and for the manufacture and transmission of electricity either or both; water sites, springs, lands and grounds for the erection of all necessary plants for said purposes; also all necessary grounds and rights of way to and from streams, for water and manufacture of electric power, either or both; to erect, dig or prepare reservoirs for water; to build, enlarge and improve light and power stations alone or in connection with the waterworks system; to build, enlarge, or improve sewerage collection systems, pumping and treatment plants and facilities; and also, through itself, or its electric light and waterworks commissioners, according to existing laws, sell water and manufacture, transmit and sell electricity for all water, electric power and light purposes to sell sewerage treatment services, and/or to provide telecommunications service purposes, to patrons and purchasers thereof within and without the municipality.

For all the foregoing purposes and agreeable to the laws of the land and the statutes applicable thereto, the power of eminent domain is conferred upon said municipality.

(Priv. Acts 1925, ch. 23, § 1; Priv. Acts 1967, ch. 487, § 1)

ARTICLE II. Civil Service for Fire and Police Departments

Sec. 1. Civil service board created: Membership; appointment, term of office, salary, qualifications and removal of members; notice of meetings; quorum.

- (a) There is hereby created a system of civil service for the City of Morristown. A civil service board, shall consist of three members and shall administer the system of civil service. One (1) member of such board shall be elected by the governing body or the city or Morristown and one (1) member shall be elected by the members of the classified service, i.e., members of the fire department, members of the police department, in a joint election. Such member shall receive a majority of the votes of the members of the classified service. The member selected by the governing body of the City of Morristown and the member selected by majority vote of the classified service shall then select the third member of the Board within ten (10) days after such members' appointment and selection. Provided, that if the two (2) members appointed and selected shall fail to agree relative to the third board member within ten (10) days after their appointment, the governing body of the City of Morristown shall appoint four (4) citizens to meet and confer with four (4) other citizens appointed by the members of the classified service. This joint committee of eight (8) shall meet, within ten (10) days, and appoint a person who shall serve as the third member of the Board.
- (b) The three (3) members of the Board shall serve as board members for a period of three (3) years, or until their successors are appointed and qualified. On or before the expiration of the term of each board member, such board member's successor shall be selected in the same manner as the prior selection of such board member whose term is expiring.
- (c) Per diem payment to Board members for attendance at Board meetings or other means of compensating service may be authorized and changed by ordinance of the City Council. No person shall be appointed a member of such board who is not a citizen of the United States, a resident of the City of Morristown, Tennessee, for at least one (1) year immediately preceding such appointment, and a registered voter of Hamblen County. No member of the classified service or any council member of the City of Morristown, may be a member of the Board.
- (d) Any member of the Board may be removed from office by the governing body of Morristown for incompetency, dereliction of duty, malfeasance in office or upon conviction of any crime involving moral turpitude. Provided, however, that no member of the Board shall be removed until written charges shall have been made, with due notice, and a full public hearing shall have been conducted before the governing body of the City of Morristown.
- (e) The members of the Board shall devote adequate time and attention to the performance of the duties of the Board. Two (2) members of the Board shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the Board under and by virtue of the provisions of the act.
- (f) Provided, however, that due notice of all meetings shall be given so that all three (3) board members may have an opportunity to be present. Confirmation of original or succeeding board members by the legislature shall not be required.

(Priv. Acts of 1967, ch. 487, § 1; Priv. Acts of 1994, ch. 143, § 1)

Sec. 2. Persons subject to civil service.

The provisions of this act shall apply to (a) all full-time law enforcement officers certified as such by the Peace Officers Standards and Training Commission and (b) all full-time fire department personnel holding the classification of firefighter driver, inspector, lieutenant, captain, battalion chief, and assistant or deputy chief in the City of Morristown. The chiefs of the police and fire departments may be hired directly by the city governing body without approval of the Civil Service board. The chiefs shall not be members of the classified service except to the

extent that a two-thirds (2/3) vote of the governing body shall be required to dismiss, suspend or demote the chief of either department, which action shall not be reviewable by the Board. All such persons shall be known as the classified service. All other city employees shall be known as the unclassified or civilian service.

(Priv. Acts of 1967, ch. 487 § 1; Priv. Acts of 1994, ch. 143, § 2)

Sec. 3. Appointments and promotions.

All future appointments to and promotions in such departments, except as otherwise provided in this act, shall be made on the basis of filling the position with the best qualified candidate, using the following methods:

Subject to the standards set forth in this act, the city governing body shall meet with the Board and formulate minimum requirements and weighted selection criteria for each position in the classified service. As soon as possible, but in no event later than sixty (60) days after the passage of this act, the city and the Board shall jointly adopt minimum requirements and weighted selection criteria, the latter of which shall include percentage allocations for at least the following: Seniority, experience, training, testing, education, record of conduct and recommendations of the chiefs of the respective departments. If the city governing body and the Board are unable to agree upon such minimum requirements and weighted selection criteria, the city administrator, chairman of the civil service board and a person designated by the director of the municipal technical advisory service shall adopt such requirements and criteria by affirmative vote of two (2) of the three (3) persons so designated, and certify such vote in writing to the city and board. Such requirements and selection criteria shall immediately become effective. Standards, when set, shall remain in effect until altered by joint action of the city and board. After the enunciation of such standards, a roster shall be kept by the board of all full-time personnel in the classified service indicating what job classifications within each respective departments such personnel are eligible to fill. A roster shall also be kept on all applicants to become members of the classified service with appropriate indication of what job classifications such applicants are eligible to fill.

After the enunciation of such standards, no vacancy shall be filled except by a person on the roster of persons having the requisite qualifications to fill such vacancy.

If any vacancy shall occur within any branch of the classified service, the governing body shall only award the position to the individual on the roster determined to be best qualified from among those in such position on the relative roster as described in Section 10, herein. In determining who is best qualified, the city governing body shall consider seniority, experience, training, testing, education, record of conduct, and recommendations of the chiefs of the respective departments. No person shall be reinstated in, or transferred, suspended or discharged from any place, position or employment in the classified service contrary to the provisions of this act.

(Priv. Acts of 1967, ch. 487, § 1; Priv. Acts of 1994, ch. 143, § 3)

Sec. 4. Functions and duties of civil service board; officers of board; meetings of board.

Be it further enacted. The board shall organize by forthwith electing one of its members as chairman and shall hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of its duties.

The board shall appoint a secretary who shall keep its records, preserve all reports made to it, superintend and keep a record of all examinations and perform such other duties as the board may prescribe.

It shall be the duty of the board:

- (a) To make suitable rules and regulations not inconsistent with the provisions of this Act. Such rules and regulations shall provide in detail the manner in which examinations may be held and appointments, promotions, transfers, demotions, reinstatements, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration; such rules and regulations shall include the methods used in determining the standard for each job

classification in the classified service. These rules and regulations may be changed from time to time by the board and shall be printed or otherwise made publicly available.

- (b) The rules and regulations shall include provisions so that seniority may not be lost by any person holding a position in the classified service, if such person leaves the classified service to enter the military service of the United States, provided that such person returns to the classified service within six months following his honorable discharge from such service. In such cases the period of military service shall be included in the period of seniority of such person.
- (c) The board shall make investigations and report upon all matters touching the enforcement and effect of the provisions of this Act, and the rules and regulations prescribed hereunder, inspect all institutions and employment affected by this Act, and ascertain whether the Act and all such rules and regulations are being obeyed. Such investigations shall be made by the board on its own motion and must also be made on petition of any citizen duly verified stating that irregularities or abuses exist, or setting forth in writing the necessity for such investigation. In the course of such investigation, the board shall have the power to administer oaths, subpoena and require the attendance of witnesses, and require the production of books, papers, documents and accounts appertaining to the investigation. The failure upon the part of any person to comply with such subpoena or demand shall be a violation of this Act and be punishable as such.
- (d) All hearings and investigations before the board shall be governed by this Act and by the rules of practice and procedure to be adopted by the board. The board, or its designated hearing officer, shall not be bound by technical rules of evidence. No formality in any procedure or hearing shall invalidate any order, decision, rule or regulation made or approved by the board; provided, however, that no decision shall be binding unless concurred in by at least two of the board members.
- (e) To hear and determine appeals or complaints relative to the allocation of positions, the determination of job changes, the furnishings of rosters and the position of members of the classified service, and of applicants on such rosters, and such other matters relating to the administration of this Act as may be referred to the board.
- (f) To see that the job classifications, the standard for filling said classifications and the roster of eligible appointees for each classification are kept continuously up to date, and posted in the respective departments of the classified service. Said rosters shall show name, rank and number in their proper order according to the scoring mechanism established for eligible appointees to each job classification. Terms of leaves of absence granted by the board hereby created upon recommendation of the chief of each department shall not forfeit the rights of the member granted leave under this Act nor be charged against such member in his order of seniority.
- (g) To make provisions that men laid off because of curtailment of expenditures, reduction in force, and for like causes, shall be the last man, or men, including probationers, that have been appointed to the respective department of the classified service. Rules and regulations shall provide that men so laid off shall be reinstated before any new appointments to said department shall be made.
- (h) To keep the appointing authority notified of the person highest on each eligible list for appointment to each vacancy that may occur.
- (i) To keep such records as maybe necessary for the proper administration of this Act.

(Priv. Acts of 1967, ch. 487, § 1; Priv. Acts of 1994, ch. 143, §§ 4 and 5)

Sec. 5. Reserved.

Sec. 6. Qualification of applicants.

Be it further enacted

- (a) *Citizenship.* An applicant for a civil service position of any kind under the classified service must be a citizen of the United States, who can read and write the English language.
- (b) *Character and fitness.* Every applicant for a position in the classified service must, in addition to such minimum standards as are stated by the board, also be of ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the board may deem advisable.

Sec. 7. Tenure of office; grounds for demotion, suspension or discharge.

Be it further enacted. The tenure of everyone holding office, place, position or employment under the provisions of this Act shall be for and only during good behavior. Any such person may be removed or discharged, suspended without pay, demoted or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons, but for no other reasons:

- (a) Dishonesty, intemperance, immoral conduct, insubordination, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to conduct himself properly; or any willful violation of the provisions of this Act or the rules and regulations to be adopted hereunder.
- (b) Conviction of a felony, or a misdemeanor involving moral turpitude, or a misdemeanor reflecting upon ability to perform public service or one for which a jail sentence is or may be imposed.
- (c) Any other act or failure to act which, in the judgment of the board, is sufficient to show the offender to be an unsuitable and unfit person to be employed in the classified service.

Sec. 8. Removal of members from civil service.

- (a) No person in the classified civil service who shall have been permanently appointed or inducted into civil service under the provisions of this act shall be removed, suspended or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation shall be served upon the accused, and a duplicate filed with the Board. The chief of the fire department or the chief of the police department may suspend a member of the department pending the confirmation of the suspension by the regular appointing power under this act which must be within twenty-one (21) days. Any person so removed, suspended or discharged may within twenty (20) days from the time of his removal, suspension or discharge file with the Board a written demand for an investigation, whereupon the Board shall conduct such investigation.
- (b) The investigation shall be confined to the determination of whether such removal, suspension or discharge was or was not made for political reasons and was or was not made in good faith for cause. After such investigation, the Board shall deliberate and may affirm the action taken, or if it shall find that the removal or suspension was made for political reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended or discharged, which reinstatement shall, if the Board so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension or discharge. The findings of the Board shall be certified in writing to the appointing power and shall be forthwith enforced by such authority.
- (c) All investigations made by the Board pursuant to this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded

the opportunity to appear in person with counsel or by counsel and to present a defense. At any such hearing the testimony of all witnesses shall be taken in writing and a record shall be made of all proceedings.

(Priv. Acts of 1996, ch. 143, § 7)

Sec. 9. Duty of city officers and employees to assist board.

- (a) It shall be the duty of the City Administrator to assign sufficient staff of the City of Morristown to carry out the provisions of this act, and such rules and regulations consistent with this act, as may, from time to time be prescribed by the board and to afford the Board, its members and employees, all reasonable facilities and assistance in the inspection of all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions, papers, documents and accounts relevant to the duties of the board. It shall be the duty of such officers and employees to attend and testify whenever required by the Board or any member thereof.
- (b) The board shall not promulgate any rule or regulation under authority of the act or make any appointments or promotions which are inconsistent with any state or federal guidelines or standards, or inconsistent with any rules or regulations of the appropriate accreditation agencies which certify or accredit the police and fire departments of the city pursuant to state or federal law or the standards required of a nongovernmental agency which have been accepted by the city governing body. If a rule or regulation of the Board appears to the city governing body to be inconsistent with such standards, the city shall submit the question to the applicable agency, if any, promulgating such standards for an opinion relative to the apparent inconsistency. Such opinion, if received within ninety (90) days of submission in writing from such agency shall be the basis upon which the board and/or the governing body shall amend said rules or regulations in order to comply. Should such opinion not be provided within ninety (90) days, the city governing body, in its sole discretion, shall determine if such rules or regulations are inconsistent with such standards, and in the event such determination is in the affirmative, the rule or regulation shall be void, upon duly adopted resolution of the city.

(Priv. Acts of 1967, ch. 487, § 1; Priv. Acts of 1994, ch. 143, § 8)

Sec. 10. Certification of names for vacancies; eligible lists; probationary employment.

- (a) When a position in the classified service becomes vacant, whether entry level or promotional, the governing body of the City of Morristown shall make requisition upon the board for the names of three (3) persons eligible for appointment. The board shall certify the names of the three (3) persons highest on the eligible list willing to accept employment.
- (b) In the event of two (2) or more promotional vacancies for the same position, two (2) additional names shall be certified for each such additional vacancy.
- (c) Promotional appointees shall serve on probation during the first six (6) months of employment, and may be transferred back to such appointee's former position for good cause by the governing body, in its discretion. Such action shall not be reviewable by the Board. In such event, the employee shall re-qualify for the promotional roster before being eligible for promotion.
- (d) Whenever a requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the governing body shall appoint a person from among the persons so certified for such position.
- (e) Notwithstanding any provision of the Civil Service Act to the contrary, the chiefs of the respective departments, with the approval of the governing body, shall be empowered, upon proper certification by the board of the eligibility of a new (non-classified service) applicant for a position in the classified service, to appoint such person to such position for a period of six (6) months plus the required time for formal entry level training as defined by departmental policy, but not to exceed a total of fourteen (14) months, during

which time the applicant shall be on probation and subject to removal for just cause shown at any time during the probationary period. If the governing body in its discretion deems such person on probation unfit and unsatisfactory for such position, such person on probation may be dismissed. Any action taken by such governing body with respect to the dismissed applicant or probationer shall not be reviewable by the Board. In the event of dismissal of such applicant or probationer for reasons satisfactory to the governing body of the city of Morristown, the board shall again certify the names of the persons on the eligible list as the same shall appear from the records of the board. Notwithstanding the foregoing, a departmental chief may request and the civil service board may grant, at its sole discretion, an extension of the probationary period of up to sixty (60) additional days.

- (f) The chiefs of the respective departments may make lateral assignments of personnel. A lateral assignment shall be an assignment which is not accompanied by changes in wages, clothing allowance, vacation accrual, sick leave accrual or incentive pay.

(Priv. Acts of 1967, ch. 487, § 1; Priv. Acts 1994, ch. 143, § 9; Priv. Acts 2004, ch. 78)

Sec. 11. Leave of absence without pay.

Be it further enacted. Leave of absence, without pay, may be granted by the board upon the recommendation of the chief of the fire department or the chief of the police department, and the board shall give notice of such leave of absence to the governing body. All temporary employment caused by leaves of absence shall be made from the eligible list of classified civil service of the department concerned.

Sec. 12. False marking, grading, etc., of examinations, etc., prohibited.

Be it further enacted. No board member or any other person, shall, by himself, or in cooperation with one or more persons, defeat or deceive any person in respect of his right of examination or registration according to the rules and regulations of this Act, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this Act or aid in so doing, or make any false representation concerning the same or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or persuade any other person, or permit or aid in any manner any person to personate any other person, in connection with any examination or registration or application or request to be examined or registered.

Sec. 13. Political activities; prohibited; religious and political discrimination prohibited.

Be it further enacted.

- (a) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to the employment in the classified service because of his political or religious opinions, but all employees must take an oath to support the Constitution of the United States.
- (b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.
- (c) No person shall use or promise to use, directly or indirectly, any political or official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service or an increase in pay or other advantages in employment in any such position either for the purpose of influencing the vote of political action of any person, or for any consideration, or otherwise.
- (d) It shall be the duty of the board to supervise the execution of the foregoing civil service provisions of this Act and the rules made thereunder, and it shall be the duty of all persons under the provisions of

this Act and in the service of the police and fire departments to comply with such rules and to aid in their endorsement.

Sec. 14. LEFT BLANK INTENTIONALLY

Sec. 15. Compliance with Act.

Be it further enacted. The failure on the part of the board, or any member thereof or on the part of the governing body of the City of Morristown, or any member thereof, to comply with the terms of this Act shall be considered a violation of this Act and shall be punishable as such.

(Priv. Acts of 1967, ch. 487, § 1)

Sec. 16. City to furnish board with accommodations and equipment; employment or clerical, administrative, etc., assistance.

Be it further enacted. The governing body of the City of Morristown shall provide the board with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the board and shall either provide directly or provide the funds for the payment of such necessary clerical, administrative, actuarial and legal assistance as may be employed by the board. Said accommodations, equipment, employment, or other assistance shall be requested of the City Administrator, who shall facilitate the same with available resources or through additional allocation requested to the governing body; and the failure on the part of the governing body to do so shall be considered a violation of the Act and shall be punishable as such.

(Priv. Acts of 1967, ch. 487, § 1)

Sec. 17. Appropriations by city council; appointment of original board.

Be it further enacted. The governing body of the City of Morristown shall have authority to appropriate from the general funds of said city a sum sufficient to carry out the purposes of this Act, and shall make such appropriation. Within thirty days after the effective date of this Act, it shall be the duty of the governing body of the City of Morristown, subject to the provisions of this Act, to appoint and create the board, as provided in section 1 hereof, and the failure upon the part of said governing body, or any member of it so to do, shall be deemed a violation of this Act and shall be punishable as such.

Sec. 18. Organization of original board.

Be it further enacted. It shall be the duty of the board appointed subject to the provisions of this Act to organize immediately and to see that the provisions thereof are carried into effect, and to make suitable rules and regulations to effect said purposes; and the failure upon the part of said board, or any individual member thereof so to do, shall be deemed a violation of this Act and shall be punishable as such.

Sec. 19. Penalty for violation of Act.

Be it further enacted. Any person who shall willfully violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than twenty-five, or more than five hundred dollars, or by imprisonment in the county jail for not longer than eleven months and twenty-nine days or by both such fine and confinement in the county jail.

Sec. 20. Repeal of conflicting laws.

Be it further enacted. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

Sec. 21 Severability of Act.

Be it further enacted. That the provisions of this Act are hereby declared to be joint and severable and the invalidating of any section shall not affect the validity of the remaining sections, which shall remain in full force and effect.

Sec. 22. Effective date.

Be it further enacted. That this Act shall take effect October 1st, 1955, provided, however, that it shall not be valid, or have any effect until it has been ratified and approved by a two-thirds majority of the governing body of the City of Morristown, after its final passage by the General Assembly.

ARTICLE III. Morristown Utilities Commission

Sec. 1. Name change; membership; appointment of members.

- (a) *Name—Authority.* The Board of Electric Light and Waterworks Commissioners is hereby designated the Morristown Utilities Commission. Said Utilities Commission shall have authority to manage and control the electric power and water utilities and, subject to city council approval, all other municipal utilities of the City of Morristown, Tennessee, which are both within and without the corporate limits of the City, all in accordance with and subject to the requirements of state and federal laws, rules and regulations.
- (b) *Membership; Appointment; Term.* The commission shall consist of five (5) persons to serve five (5) year terms. In order to facilitate an orderly transition with respect to expansion of membership and term of office, the present terms shall be modified in the following manner:

<i>Term Expiring</i>	<i>Modified to Expire</i>
July 31, 2001	July 31, 2006
July 31, 2002	July 31, 2005
July 31, 2003	July 31, 2004

In addition to the enumerated modifications, there shall be two (2) additional commissioners to be appointed to increase the commission to five (5) members.

Each of the additional commissioners shall be appointed in accordance with the procedures provided herein for nominations. The first new appointment shall be made for a term beginning August 1, 2001 and expiring July 31, 2002. The second new appointment shall be made for a term beginning August 1, 2001 and expiring July 31, 2003. All subsequent terms of all commissioners shall be for five (5) years.

- (c) (1) Prior to the first day of July in each year, the commissioners shall submit to the Mayor a list of three (3) nominees for the commission seat expiring as of July 31st. The Mayor shall within thirty (30) days of submission of such nominees select from these names a nominee. A majority vote of the City Council shall be necessary for the election of such nominee as a commissioner. Should the City Council fail to take action to either approve or disapprove a nominee within a period of thirty (30) days following notice of such nomination to the City Council, the nominee shall be deemed elected.
- (2) (A) In the event that the City Council takes action within such thirty (30) day period but a nominee does not receive a majority vote of the City Council, the nomination procedure shall be repeated except that the commissioners shall have fourteen (14) days from notice of the City Council that a nominee did not receive a majority vote of the City Council in which to submit the names to the Mayor of three (3) nominees, which may include two (2) of the three (3) names not previously selected and submitted by the Mayor to the City Council.
- (B) If a nominee is not selected from the second list submitted to the City Council by the Mayor under the procedure established in subdivision (A), a third and final list of nominees shall be submitted to the Mayor by the commissioners within the time period established for submitting the second list of names. If a nominee is not selected from the third list submitted to the City Council by the Mayor under the procedure established in subdivision (A), the provisions of subdivision (3) shall take effect.
- (3) (A) The commissioners shall submit directly to the City Council a list of three (3) nominees for the commission seat expiring as of July 31st.

Such names shall be submitted to the City Council within fourteen (14) days from notice of the City Council that a nominee from the third list submitted by the Mayor to the City Council did not receive a majority vote of the City Council. The City Council shall have thirty (30) days from the

date the list is submitted to the City Council to take an action to approve a nominee from the fourth list. The nominee receiving the highest number of votes from the City Council shall be the nominee. However, if a tie vote occurs between two (2) of the names submitted, the name of the nominee who received the fewest votes shall be eliminated and the City Council shall vote on the remaining two (2) nominees with the nominee receiving the highest number of votes being declared the nominee.

- (B) If the City Council fails to take action to either approve or disapprove a nominee within such thirty-day period, the Mayor shall select the nominee from the list of three (3) names submitted to the City Council to be the commissioner.
- (4) In the event of a vacancy during the term, said vacancy shall be filled for the remainder of the term in accordance with the procedures provided in subdivision (1) through (3) for nominations, and the commission shall make its nominations to the Mayor within thirty (30) days of the occurrence of the vacancy to commence the election process.

(Priv. Acts 2001, ch. 7, § 1; Priv. Acts 2012, ch. 52, § 1)

Sec. 2. Qualifications of commissioners; oath and bond; compensation; removal of commissioners; commissioners not to hold other office.

The commissioners shall be residents of said municipality, and reside within the corporate limits thereof. Said commissioners shall be elected by the city council as hereinbefore provided. Said commissioners, before entering upon their duties, shall make and subscribe an oath in writing to faithfully discharge their duties as such commissioners, and each will give bond in such sum as the corporate authorities may require, payable to the State of Tennessee, conditioned for the careful and faithful performance of their duties as such commissioners, and upon said bonds a right of action will be in the name of the State for the use of the party or parties aggrieved by any neglect of duty on the part of said commissioners. Said commissioners shall receive such compensation as the city council may determine, and any and all of them may be removed from office by the city council for malfeasance or misfeasance therein. No person holding any other office pertaining to said city shall be eligible for the office of commissioner.

(Priv. Acts 2001, ch. 7, § 2]

Sec. 3. Chairman and secretary; quorum; records to be kept; powers and duties generally.

The commissioners, upon their election and qualification, shall organize by selecting one (1) of their number chairman and one (1) secretary. A majority of the commissioners shall constitute a quorum for the transaction of business, and all matters to be determined by them shall be determined by a majority vote, and they shall keep a record of all their transactions in a well-bound book, which shall be open, on demand, to the inspection of any and all citizens and taxpayers of the City of Morristown. Said utilities commissioners shall have charge and supervision of the electric light and water works systems of the corporation and with prior approval of city council, telecommunications, natural gas, ISP and CATV services and any other utility service, and shall have full power to make all contracts necessary to the operation thereof, employing such help as may be necessary, and fixing the salaries of all employees, and fixing rates for such services, and through their secretary, collect the same, it being the intention hereby to make said utility commissioners a separate and independent body for the performance of the duties of the positions to which they are elected. The fees or proceeds arising for the use of the various utilities, when collected, shall be kept separate from the other as a separate enterprise fund to be applied to the operation of each particular utility. The net proceeds of each utility shall only be liable for the debts and liabilities of that particular utility hereafter occurring, but the property of commission and proceeds thereof shall be liable for any debts heretofore contracted. Said commissioners will make reports at least annually to the city council, setting out in said report separately the receipts and disbursements of each of said utilities, and reciting therein all business transacted by them since the date of their last report.

(Priv. Acts 2001, ch. 7, § 3; Priv. Acts 2012, ch. 44, § 1)

Sec. 3A. Action of board of utilities commissioners may be by resolution.

Any and all action required or authorized to be taken under this Act by the board of utilities commissioners, except as statute or regulating authority may otherwise prescribe, may be by resolution, which resolution may be adopted at the meeting of the board at which such resolution is introduced, and shall take effect immediately upon adoption.

Sec. 3B. Repeal of conflicting Acts.

That all Acts or parts of Acts in conflict with this Act be and the same hereby are repealed.

(Priv. Acts 1947, ch. 198, § 1; Priv. Acts 2001, ch. 7, § 4)

Sec. 4. Authority to construct, expand, and operate municipal utilities; power of condemnation; other powers.

The utilities commissioners of the City of Morristown may create, construct, expand, enlarge, extend, and operate the municipal utilities they are authorized to operate to such point or points within or without the corporate limits of the City of Morristown in conformity with general law and as in their discretion may be deemed necessary or desirable. In order to expand, enlarge and extend said municipal utilities, the utilities commissioners and/or the city council for the City of Morristown is hereby, authorized and empowered to acquire either by purchase or condemnation all real estate necessary or proper to expand and extend said utilities. This shall include, but not be limited to any spring or springs of water, pump stations, rights of ways to and from such springs or pump stations, and for necessary pipe lines for conveying water either outside or within the corporate limits of said city; and it may take and appropriate such lands and grounds upon which are located springs of water, together with such quantity of land surrounding said watering places, as may be necessary or proper for the proper protection of such springs of water and for the location of pump stations and for rights of way for water mains, pipes, and other devices that may be necessary or proper for conveying currents of water in the operation of said waterworks system, and the utilities commissioners and/or the city council for the City of Morristown is hereby vested with full power and authority to acquire by purchase or condemnation proceedings the riparian rights of lower landowners along any stream, the spring or upper portion of which is acquired or the water from which is used under the provisions of this Act. Additionally, the utilities commissioners and/or the city council for the City of Morristown is hereby, authorized and empowered to acquire, by purchase or the exercise of the right of eminent domain, any property or easements or other right or interest in property necessary for the construction, reconstruction, extension or enlargement of a sewerage system whether such property be within or without the city or partially within and partially without the city.

That if it shall become necessary to condemn any private property for the use set out in this section of this Act, the utilities commissioners and/or the city council for the City of Morristown shall direct the general manager of the Morristown Utilities Commission, the mayor or some other administrative officer or the attorney for the Morristown Utilities Commission and/or the City of Morristown to proceed in the name of the Morristown Utilities Commission and/or the City of Morristown to have said property or right of way appropriated as provided for the taking of private property for works of internal improvements as stated in the general laws and Code of the State of Tennessee.

Additional powers of the Morristown Utilities Commission include:

- a) To fix, levy and collect fees, rents, tolls, or other charges for connecting to and for the use of each utility service.

-
- b) To make contracts and execute instruments containing such terms, provisions and conditions as in the discretion of the board of utilities commissioners may be necessary, proper or advisable for the purpose of obtaining a grant, loan or other financial assistance from any federal agency or from the State of Tennessee by virtue of any Act of Congress or Act of the Legislature of Tennessee.
 - c) To make all contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of the construction, expansion, rehabilitation, and/or operation of each utility service.
 - d) To enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in or for the furtherance of the construction of its utility functions.
 - e) To require the owner, tenant or occupant of each lot or parcel of land which abuts upon a street or other public way containing a sanitary sewer upon which lot or parcel a building exists for residential, commercial or industrial use to connect such building with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste or other polluting matter.
 - f) To require the owner, tenant or occupant of each lot or parcel of land who is obligated to pay the charges made for the utility service(s) furnished to make a reasonable deposit in advance to insure the payment of such charges.
 - g) To discontinue any services of the system to any owner, tenant, or occupant obligated to pay the charges made for the service furnished by the utility in the event of failure to pay for said services of the system.
 - h) Perform any acts authorized under this act or otherwise authorized by the laws of the State of Tennessee.

Sec. 5. LEFT BLANK INTENTIONALLY

Sec. 6. Effective date.

Be it further enacted. That this Act take effect from and after its passage, the public welfare requiring it.

ARTICLE IV. Hotel Occupancy Tax

Sec. 1. Definitions.

As used in this Act, unless a different meaning clearly appears from the context, the following definitions shall apply:

- (a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business, trust receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (b) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp, tourist cabin, motel or any place in which rooms, lodgings, or accommodations are furnished to transients for a consideration.
- (c) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (d) "Transient" means any person who exercises occupancy or is entitled to occupancy for any room, lodgings, or accommodations in a hotel for a period of less than ninety (90) continuous days.
- (e) "Consideration" means the consideration charged whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
- (f) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

Sec. 2. Tax levied.

The City of Morristown is hereby authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient up to a maximum rate of seven percent (7%) of the consideration charged by the operator. Said tax so imposed is a privilege tax upon the transient occupying said room and is to be collected and distributed as hereinunder provided.

(Priv. Acts 2002, ch. 150; Priv. Acts 2010, ch. 45, § 1)

Sec. 3. Operator's responsible for collecting tax.

Said tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel, such invoice to be given directly or transmitted to the transient, and shall be collected by such operator from the transient and remitted to the City Recorder of the City of Morristown.

Sec. 4. Tax due date.

The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms to the City Recorder of the City of Morristown, to be remitted to such officer not later than the 20th day of each month next following collection from the transient.

Sec. 5. Occupant responsible for paying tax.

No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator, or that it will be added to the rent, or that, if added, any part will be refunded.

Sec. 6. Delinquent taxes.

Taxes collected by an operator which are not remitted to the City Recorder on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and in addition for penalty of one-half of one percent (1/2 of 1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction by a fine not less than twenty-five dollars (\$25) nor in excess of fifty dollars (\$50). The fine levied herein shall be applicable to each individual transaction involving lodging services paid by a customer to the operator in those cases when the operator fails or refuses to pay the tax payable to the City Recorder.

Sec. 7. Operators duties.

It shall be the duty of every operator liable for the collection and payment of this tax, to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax for whose collection and payment to the municipality he may have been liable, which records the City Recorder shall have the right to inspect at all reasonable times.

Sec. 8. Illegal assessment and collection.

In administering and enforcing the provisions of this Act, the City Recorder shall have as additional powers the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, Title 67, or otherwise provided by law.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Section 67-2313, it being the intent of this Act that the provisions of law concerning the recovery of erroneous tax payments to municipalities shall apply to the tax collected under the authority of this Act; provided, the City Recorder shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-2301, with respect to the adjustment and settlement with taxpayers of all errors of taxes collected by him under the authority of this Act and to direct the funding of the same. Notice of any tax paid under protest shall be given to the City Recorder, and suit for recovery shall be brought against him.

Sec. 9. Uses of collected taxes.

The proceeds from the tax levied herein shall be retained by the municipality and deposited in the general funds of the municipality; however, twenty-five percent (25%) of the tax levied may be used to promote the development of tourism in the municipality. Proceeds of this tax may not be used to provide a subsidy of any form to any hotel or motel.

Sec. 10. Occupancy tax to be in addition to other taxes and fees.

The tax herein levied shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

Sec. 11. City recorder to enforce.

The City Recorder shall have the power to make and publish reasonable rules and regulations not inconsistent with this Act or other laws, for the enforcement of the provisions of this Act and the and the collection of revenues hereunder. Further the City Recorder shall design, prepare, print and make available to all persons who are subject to this Act, all necessary forms for filing returns and instructions to insure full compliance with the provisions of this Act.

Sec. 12. Ratification.

This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Morristown. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of the City of Morristown and certified by him to the Secretary of State.

Sec. 13. Effective date.

For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other proposes, it shall become effective upon being approved as provided in Section 12.

The City of Morristown

Community Development & Planning



TO: Morristown City Council
FROM: Lori Matthews, Senior Planner
DATE: September 19th, 2023
REQUEST: Annexation Request

SUBMITTAL:

Property owner Shannon Greene is requesting annexation of a 15-acre parcel located at the northeast intersection of Cherokee Drive with Noe's Chapel Road. Located north of and adjacent to the Lochmere Subdivision, the vacant parcel is within the City's Urban Growth Boundary Area and is contiguous with the current City boundary. The applicant seeks to construct single-family residential lots.

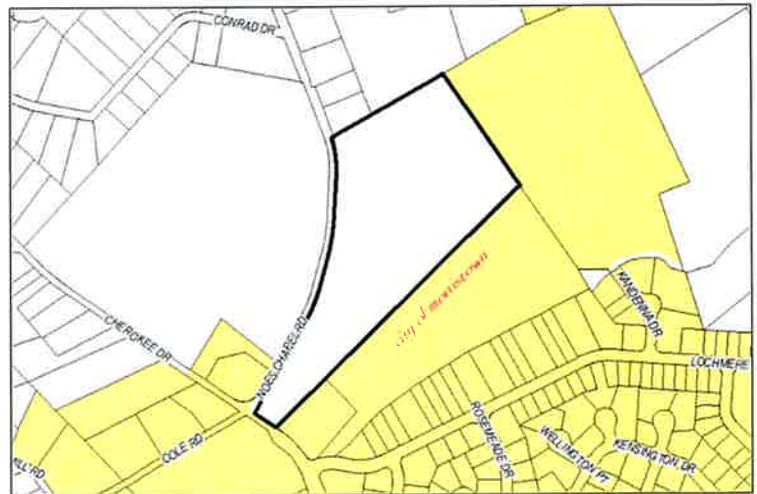
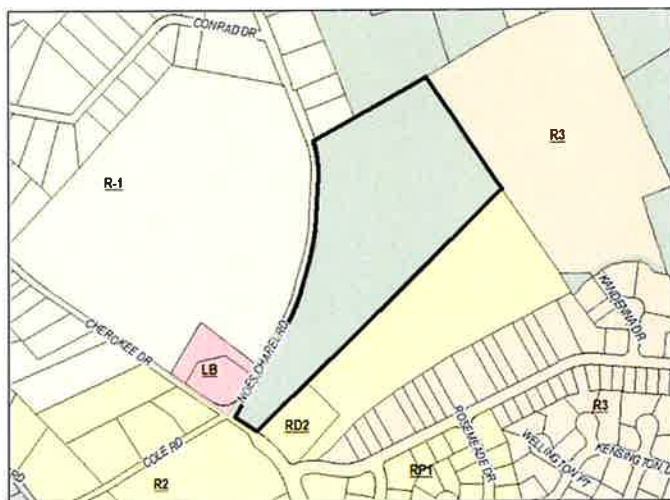
The site is surrounded to the north by (County) R-1 zoning which allows single-family residential and duplex units. If developed under the current designation, lot sizes would range between 11,000 square feet and 1-acre, depending on the available utilities.

The applicant had originally requested R-3 (High Density Residential) zoning of the property upon annexation. Staff met with the applicant's agent and expressed concerns with regard to the width of Noe's Chapel Road only being 30 feet at its widest, along with the fact that neighboring properties to the site are double the size of an R-3 zoned lot, which is 5,500 square feet. Staff suggested that an R-2 (Medium Density Residential) zone upon annexation would be more acceptable. The Planning Commission was in agreement.

Utility service providers will be Morristown Utilities.

RECOMMENDATION:

Due to the inadequacy of the road system and adjoining lot sizes, the Planning Commission voted to forward the annexation request and plan of services on to City Council with R-2 being the desired zoning designation should the property be annexed.



ORDINANCE NO. _____

**ENTITLED AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE SAME
WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MORRISTOWN TENNESSEE;**

Annexation of 14.68 acres as described in Hamblen County Warranty Deed Book 2001, Pages 808-812, having Hamblen County Tax ID # 032024 06201 and, as shown in Exhibit A;

Section 1. WHEREAS, it now appears that the prosperity of the City and of the territory herein described shall be materially retarded and the safety and welfare of inhabitants and property owners thereof endangered if such territory is not annexed; and

Section II. WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents and property owners thereof and the City as a whole;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MORRISTOWN;

1. PURSUANT to authority conferred by Section 6-15:102 of the Tennessee Code Annotated, there is hereby annexed to the City of Morristown Tennessee and incorporated within the corporate boundaries thereof, the following described territory:
2. Medium Density Residential (R-2) zoning shall be applied upon adoption of the annexation area.
3. This Ordinance shall become effective from and after its passage, the public welfare requiring it.

PASSED ON FIRST READING THIS 19th DAY OF September, 2023.

MAYOR

ATTEST:

CITY ADMINISTRATOR

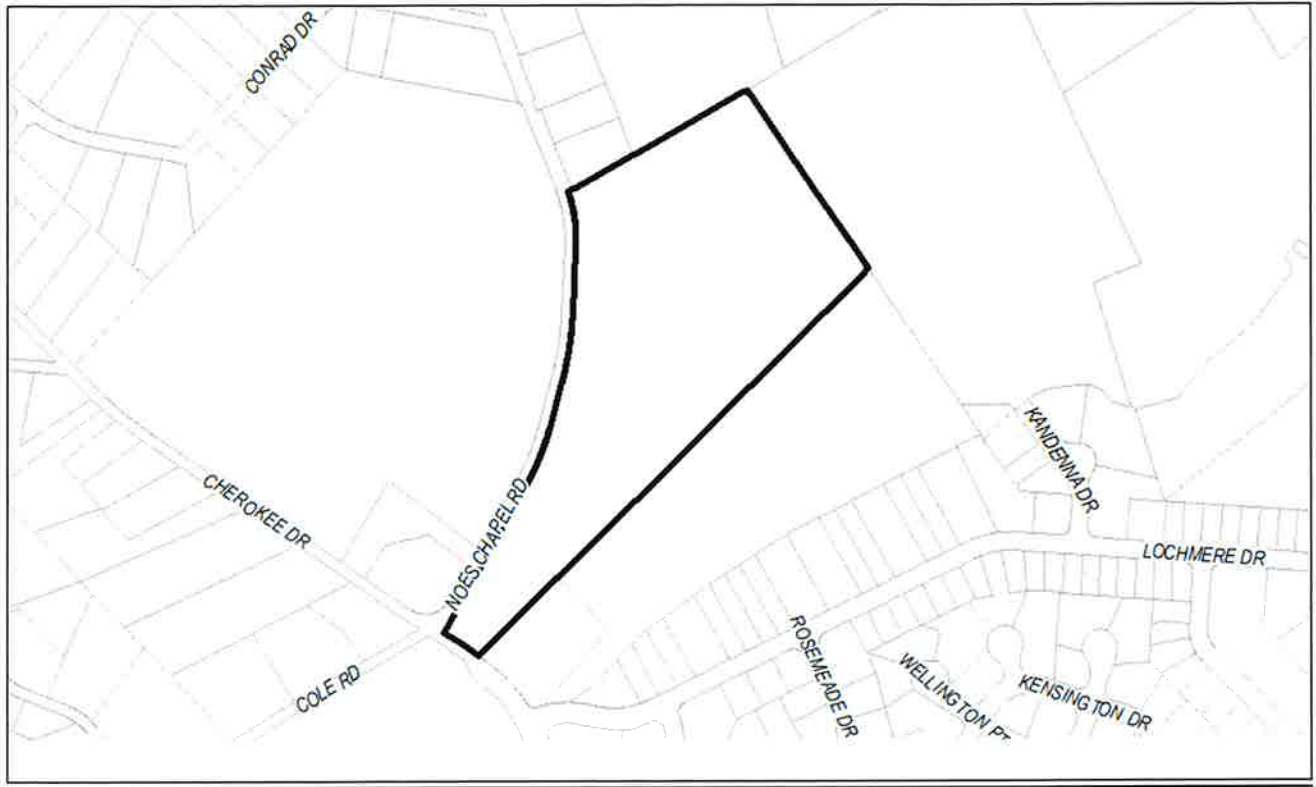
PASSED ON SECOND READING THIS 3rd DAY OF October, 2023.

MAYOR

ATTEST:

CITY ADMINISTRATOR

EXHIBIT A:



PLAN OF SERVICES

RESOLUTION NO. 2023-_____

RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ANNEXATION OF HAMBLLEN COUNTY TAX ID # 0322 06201 LOCATED OFF OF NOE'S CHAPEL ROAD;

WHEREAS, TENNESSEE CODE ANNOTATED, TITLE 6, CHAPTER 51, AS AMENDED REQUIRES THAT A PLAN OF SERVICES BE ADOPTED BY THE GOVERNING BODY.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF MORRISTOWN, TENNESSEE:

Being 14.68+/- acres as described in Hamblen County Warranty Deed Book 2001, Pages 808-812, having Hamblen County Tax ID # 032024 06201 and, as shown in Exhibit A;

Section I. Pursuant to the provisions of Title 6, Chapter 51, Tennessee Code Annotated, there is hereby adopted, for the area bounded as described above, the following plan of services;

Police Protection

Patrolling, radio responses to calls, and other routine police services using present personnel and equipment will be provided upon the effective date of annexation.

Fire Protection

Fire protection by the present personnel and the equipment of the fire fighting force, within the limitations of available water and distances from fire stations, will be provided upon the effective date of annexation. Water for fire protection to serve the substantially developed annexed area(s) will be provided in accordance with current policies of Morristown Utilities unless authorized by franchise agreement with another utility district which has made service available with capabilities to meet City of Morristown Fire Protection Standards. Any extension of water system infrastructure beyond that of Morristown Utility policies shall be at the expense of the property owner or developer.

Water Service

Morristown Utilities will extend service to properties within its jurisdiction in accordance with the regulations and extension policies of Morristown Utilities.

Sanitary Sewer Service

Morristown Utilities will extend service to properties within its jurisdiction in accordance with the regulations and extension policies of Morristown Utilities Commission.

Electrical Service

Electrical service for domestic, commercial and industrial use will be provided at city rates for new lines as extended in accordance with current policies of Morristown Utility Commission. In those parts of the annexed area presently served by another utility cooperative, the above

conditions or terms will begin with the acquisition by the city of such cooperatives or parts thereof, which may be delayed by negotiations and/or litigation.

Refuse Collection

The same regular refuse collection service now provided within the City will be extended to the annexed area sixty days following the effective date of annexation.

Streets

Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements, as the need therefore is determined by the governing body, will be accomplished under current policies of the city. Traffic signals, traffic signs, street markings and other traffic control devices will be installed as the need therefore is established by appropriate study and traffic standards. Street name signs where needed will be installed as new street construction requires.

Inspection Services

Any inspection services now provided by the City (building, electrical, plumbing, gas, housing, sanitation, etc.) will begin upon the effective date of annexation.

Planning and Zoning

The planning and zoning jurisdiction of the city will apply to the annexed area in conjunction with the effective date of annexation.

Street Lighting

Street lights will be installed in accordance to City policies.

Recreation

Residents of the annexed area may use all existing recreational facilities, parks, etc., on the effective date of annexation. The same standards and policies now used in the present city will be followed in expanding the recreational program and facilities in the enlarged city.

Section II. This Resolution shall become effective from and after its adoption.

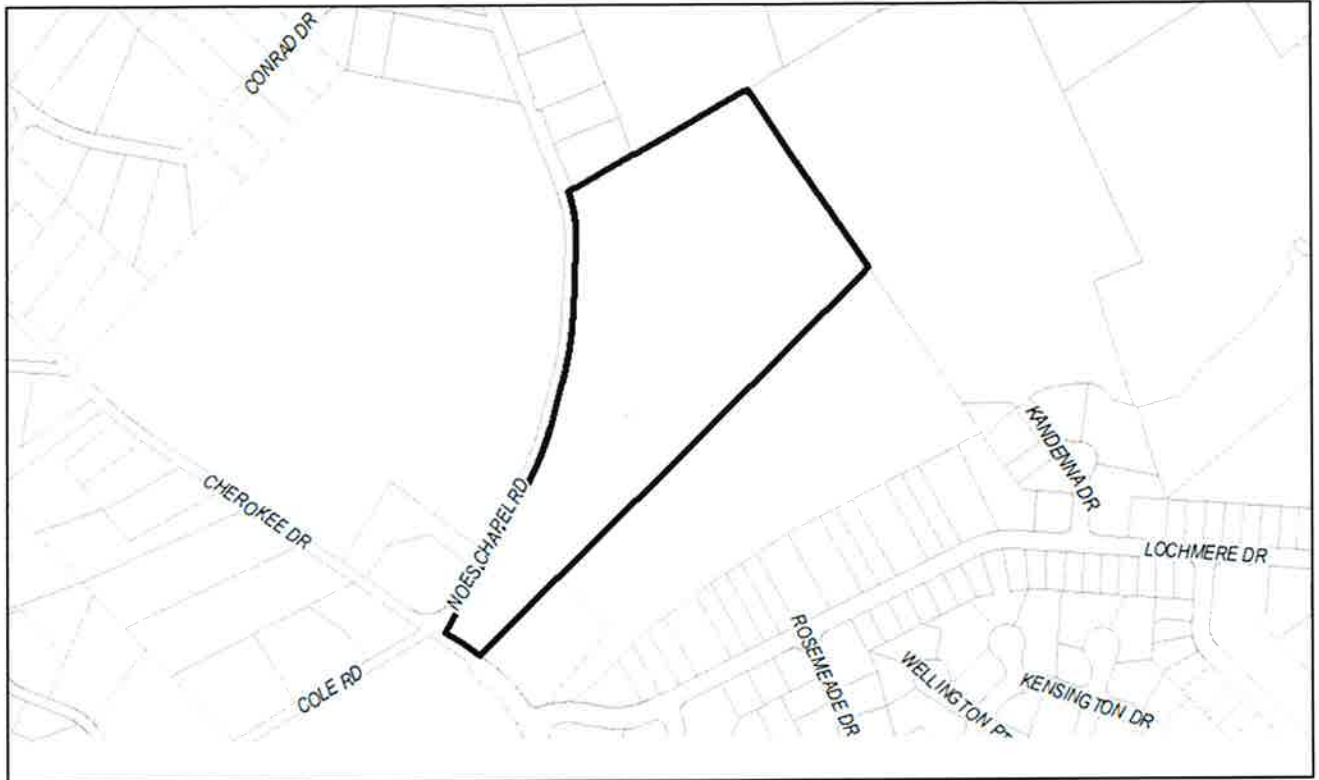
Passed on this _____ day of _____, 2023.

Mayor

ATTEST:

City Administrator

Exhibit A:



The City of Morristown

Community Development & Planning

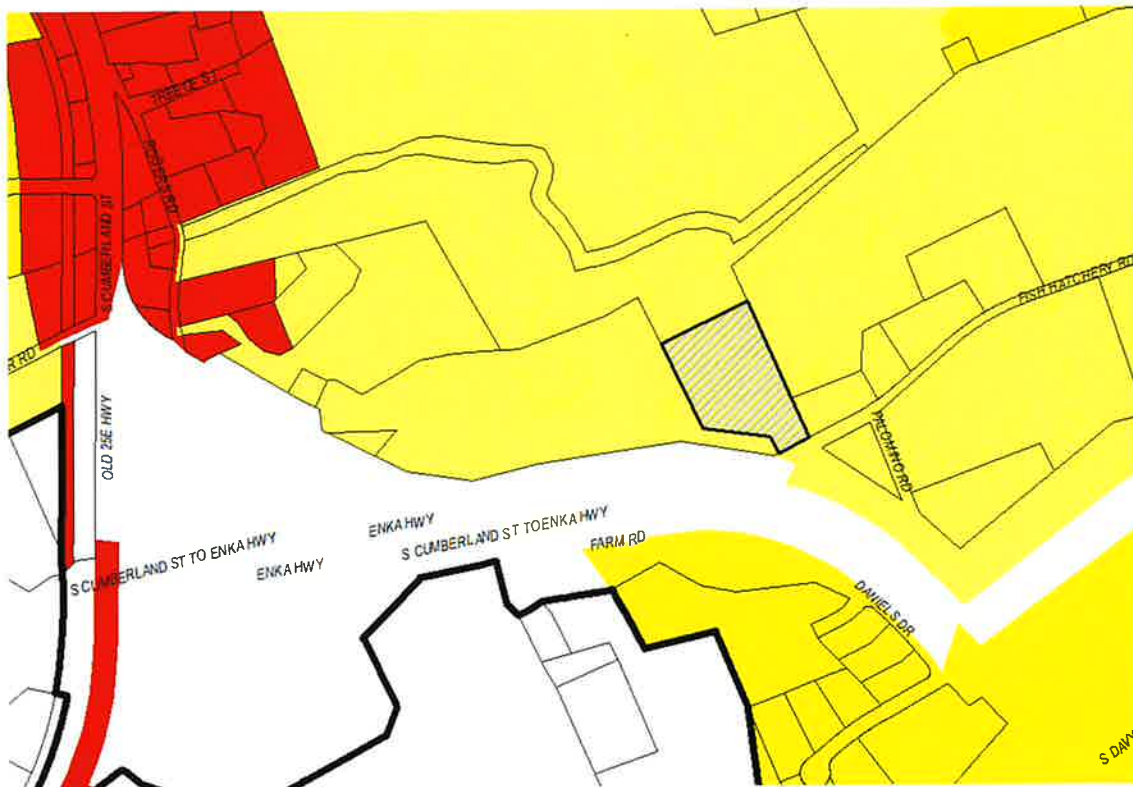


TO: Morristown City Council
FROM: Josh Cole, Senior Planner
DATE: September 19th, 2023
SUBJECT: Rezoning Request from R-1 to IB
455 Fish Hatchery Road

BACKGROUND:

Staff has received a request from the property owner, Vittoriano Diluzio, to rezone property located at 455 Fish Hatchery Road from R-1 (Single Family Residential District) to IB (Intermediate Business District).

This property is located at the northeast intersection of Fish Hatchery and Highway 160. It currently contains a gas station/convenience store along with various other commercial uses and apartments. This property was annexed into the City in 2003 with an “interim Single Family Residential zoning” designation (R-1) which was standard at that time; however, despite the commercial uses, the residential zoning has remained to this day.





RECOMMENDATION:

Per TDOT, Highway 160 is a major corridor in the city with daily traffic counts near this parcel exceeding 20,000 in 2022. Thus, given this location and the existing commercial uses on the property, staff recommends the rezoning to IB and Planning Commission voted in support of this request (6-0) at their September monthly meeting.

ORDINANCE NO. _____,

ENTITLED AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF MORRISTOWN, TENNESSEE, APPENDIX B.

{Rezoning of Hamblen County Tennessee Tax Parcel ID # 032042 01500 from R-1 (Single Family Residential District) to IB (Intermediate Business District), the general location being shown on the attached exhibit A.}

SECTION I. WHEREAS, the Morristown Planning Commission has recommended to the City Council of the City of Morristown that a certain amendment be made to Ordinance No. 2092, known as the Zoning Ordinance for the City of Morristown, Appendix B;

NOW, THEREFORE, in order to carry into effect the said amendment:

SECTION II. BE IT RESOLVED by the City Council of the City of Morristown that Ordinance No. 2092 be and the same hereby is amended so as to provide that the following described real estate be rezoned from R-1 (Single Family Residential District) to IB (Intermediate Business District), the general location being shown on the attached exhibit A.}

BEGINNING at a point in the northern margin of Fish Hatchery Road, corner to Estes; thence with the road S 60 deg. 35 min. 00 sec. W 102.03 feet to a point, corner to Gibson; thence N 80 deg. 09 min. 00 sec. W 241.21 feet to a point; thence N 17 deg. 15 min. 00 sec. W 177.03 feet to a point; thence 16 deg. 29 min. 12 sec. W 166.80 feet to a point, corner to Gibson (R.B. 1246, Page 158) and Gibson (R.B. 1707, page 863); thence N 69 deg. 59 min. 17 sec. E 266.91 feet to a point in line of Weeks; thence S. 23 deg. 25 min. 00 sec. E 471.00 feet to a point in the northern margin of Fish Hatchery Road, said point being the BEGINNING, containing 2.864 acres, according to the survey of William H. Shockley, RLS No. 973, dated December 9, 1992, and revised July 2, 2021.

SECTION III. BE IT FURTHER ORDAINED that all maps, records and necessary minute entries be changed so as to effect the amendment as herein provided, to the extent that the area herein above described shall be permitted to be used for Intermediate Business (IB) uses exclusively.

SECTION IV. BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith be, and the same are, repealed to the extent of such conflict but not further or otherwise.

SECTION V. BE IT FURTHER ORDAINED that this ordinance takes effect from and after the date of its final passage, the public welfare requiring it.

Passed on first reading the 19th day of September 2023.

Mayor

ATTEST:

City Administrator

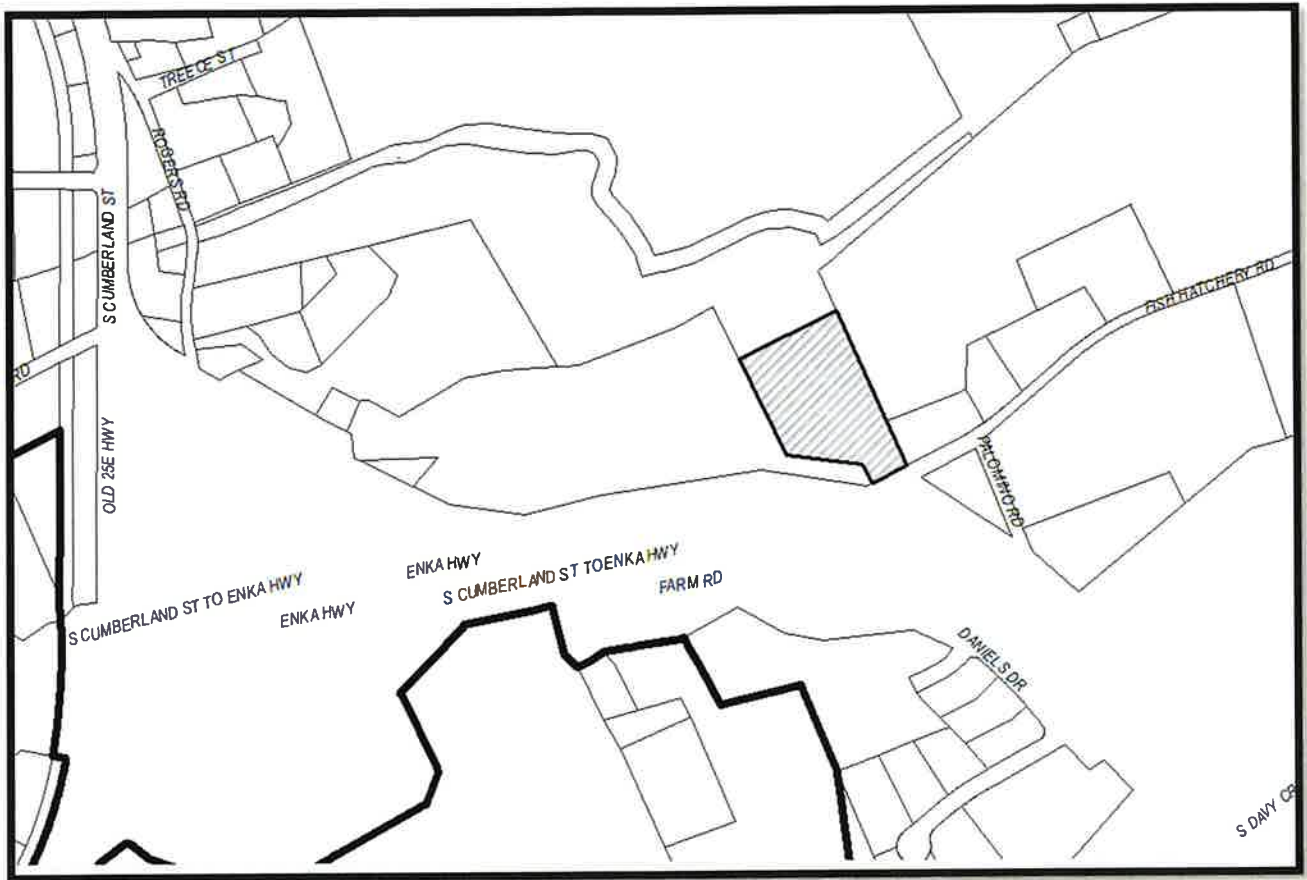
Passed on second and final reading the 3rd day of October 2023

Mayor

ATTEST:

City Administrator

Exhibit A:



The City of Morristown

Community Development & Planning



TO: Morristown City Council
FROM: Lori Matthews, Senior Planner
DATE: September 19th, 2023
REQUEST: Rezoning Request

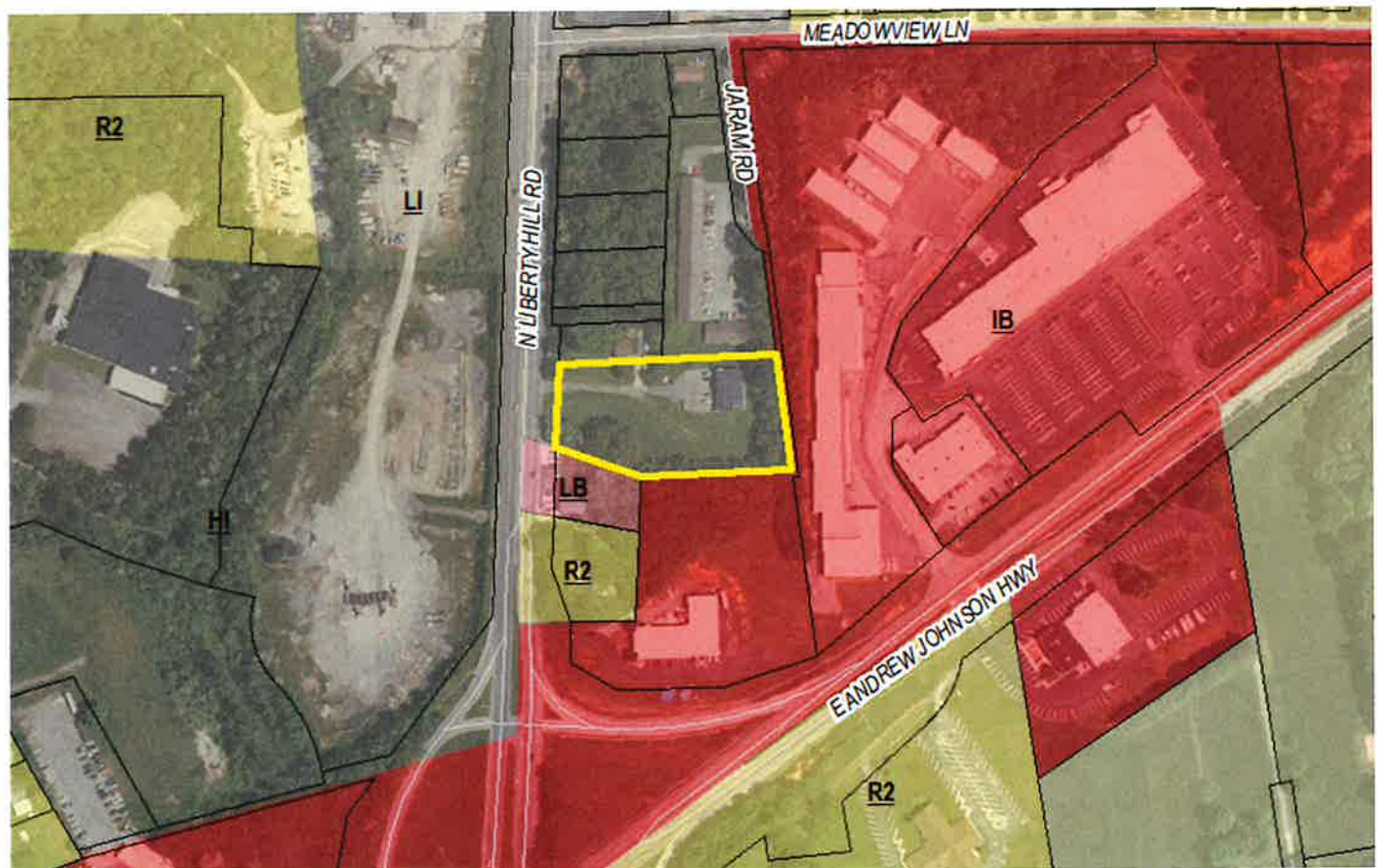
SUBMITTAL:

Property owner JPP Holdings, LLC has requested their property, located at 432 North Liberty Hill, be rezoned from Light Industrial to R-2 (Medium Density Residential). Located to the west of Liberty Plaza Storage, the 1.8 acre parcel contains an apartment complex comprised of 9 units. Access is from North Liberty Hill Road.

The properties which surround the subject site to the north are zoned for industrial use, but contain residential housing. Properties to the east and south all front a major thoroughfare (East Andrew Johnson Highway) and are both used for and zoned for commercial land use. West of the site, across North Liberty Hill Road exists a vacated parcel, formerly used for industrial purposes, which is zoned Light Industrial.

RECOMMENDATION:

Staff views this request as bringing the property into conformance, given that land uses adjoining to the north are the same; and had asked the Planning Commission to forward this request on to City Council for approval, which they did at their September meeting.



ORDINANCE NO. _____,
ENTITLED AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF
MORRISTOWN, TENNESSEE, APPENDIX B.

{Rezoning of Hamblen County Tax Parcel ID # 034B B 00700 000, the general location being
shown on the attached exhibit A.}

SECTION I. WHEREAS, the Morristown Planning Commission has recommended to the City
Council of the City of Morristown that a certain amendment be made to Ordinance No. 2092, known
as the Zoning Ordinance for the City of Morristown, Appendix B;

NOW, THEREFORE, in order to carry into effect the said amendment:

SECTION II. BE IT RESOLVED by the City Council of the City of Morristown that Ordinance No.
2092 be and the same hereby is amended so as to provide that the following described real estate
be rezoned from LI (Light Industrial) to R-2 (Medium Density Residential);

Hamblen County Tax Parcel ID # 034B B 00700 000, as shown on Exhibit A;

SECTION III. BE IT FURTHER ORDAINED that all maps, records and necessary minute entries be
changed so as to effect the amendment as herein provided, to the extent that the area herein above
described shall be permitted to be used for Medium Density Residential uses exclusively.

SECTION IV. BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict
herewith be, and the same are, repealed to the extent of such conflict but not further or otherwise.

SECTION V. BE IT FURTHER ORDAINED that this ordinance takes effect from and after the date
of its final passage, the public welfare requiring it.

Passed on first reading this 19th day of September, 2023.

Mayor

ATTEST:

City Administrator

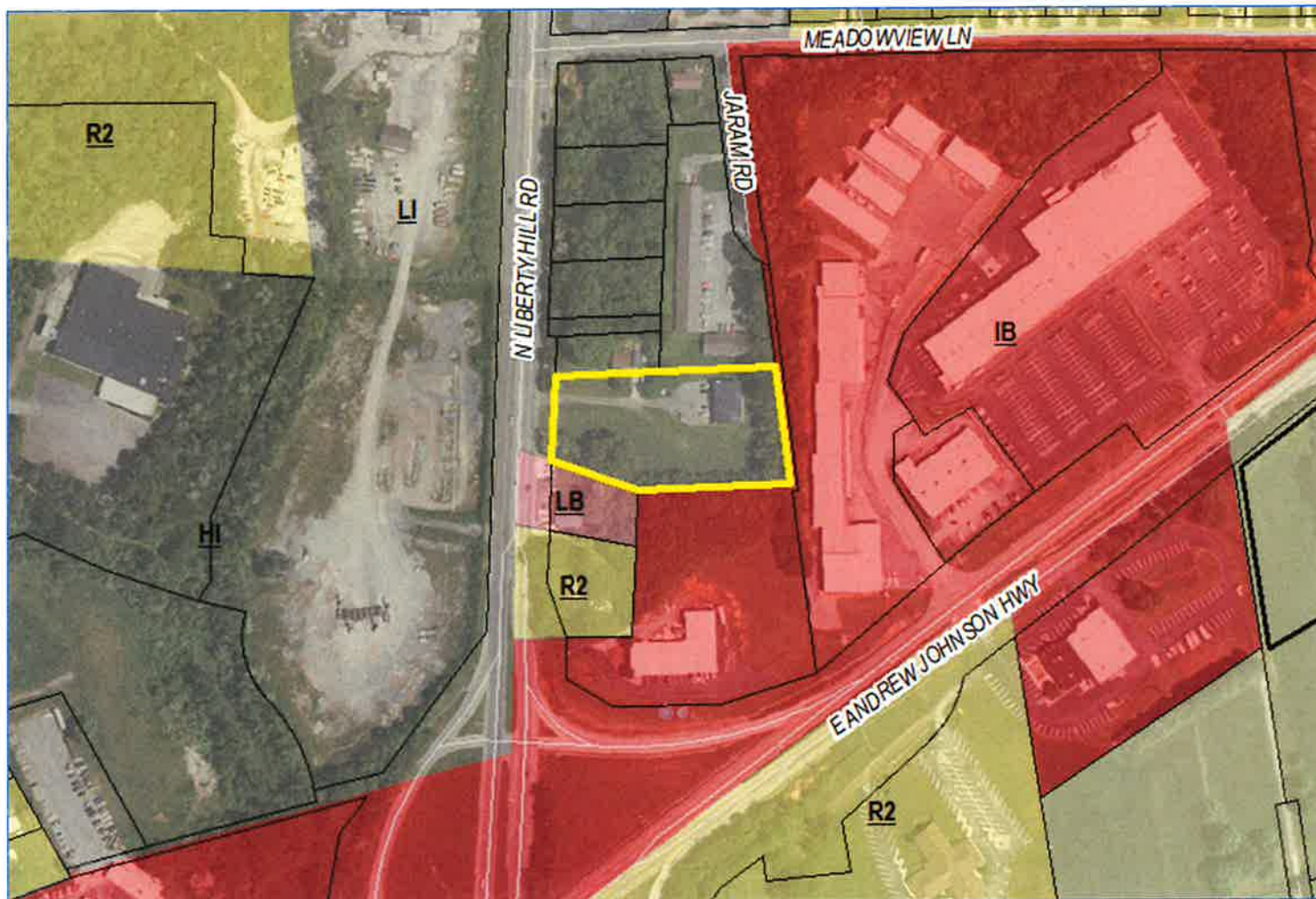
Passed on second and final reading this 3rd day of October, 2023.

Mayor

ATTEST:

City Administrator

Exhibit A:





Morristown City Council Agenda Item Summary

Date: September 19, 2023

Agenda Item: Authorize the one-time purchase of eighteen (18) X26P Tasers and eighteen (18) Batteries for the Police Department from Axon as a sole source purchasing totaling \$24,439.32.

Prepared By: Jeanna Vanek

Subject: Police Department Tasers

Background: City of Morristown Police Officers currently utilize the X26P Taser from Axon as a less lethal option. Budget in FY 2024 provides for the replacement of tasers and taser accessories as necessary.

Findings/Current Activity:

The police department prefers to continue to use the Axon X26P Taser for the following reasons: (1) The Police Department has certified trainers on staff who are trained in the nomenclature and use of the X26P taser; (2) The X26P Taser has a proprietary signal configuration and is equipped with a Signal Performance Power Magazine. This configuration reports when the Taser is armed and it automatically activates body worn cameras; (3) The Police Department's current supply of miscellaneous accessories (holsters, batteries, etc..) are only interchangeable with the X26P taser.

Financial Impact:

Funds were appropriated in the FY24 budget to cover the cost of this purchase.

Action options/Recommendations:

Authorize the purchase

Attachment: Sole Source Letter and Quote



AXON ENTERPRISE, INC.
17800 N. 85th Street, Scottsdale, AZ 85255
Contact us at ecommerce@axon.com

Quote Expires on: 10/6/2023

Buyer:

Jeanna Vanek
Morristown Police Dept. - TN
4235854622
jvanek@mymorristown.com

Bill To:

PO Box 1499
Morristown
TN - 37816-1499
USA

Ship To:

100 W 1ST
MORRISTOWN
TN - 37814
USA

Quote Items:

PRODUCT	PRICE	QUANTITY	DISCOUNT	TOTAL
11003 YELLOW X26P CEW, HANDLE	1342.00	18	-1207.80	22948.20
22012 TPPM, TACTICAL BATTERY PACK, PINKY EXTENDER, X2/X26P	87.20	18	-78.48	1491.12

Contract #

This quote is valid for 30 days.

Quote Subtotal: USD 25725.60

Discount: USD -1286.28

Estimated Quote Tax: USD 0.00

Quote Grand Total: USD 24439.32

Tax calculated at checkout. Ground shipping is
no additional cost.

**Thank you for being a valued Axon customer. For your convenience, continue checkout
with a credit card / PO / invoice on our online store my.axon.com/buy**

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Morristown City Council Agenda Item Summary

Date: September 19, 2023

Agenda Item: Approval to declare one (1) vehicle that has been removed from service and is no longer being utilized.

Prepared By: Jeanna Vanek

Subject: Surplus Vehicle

Background: The City of Morristown owns one (1) vehicle that has been removed from service and is no longer being utilized. The City of Morristown wishes to declare this vehicle as surplus. The Vehicle is as follows:

Police Department

- # 438 – VIN # 2FAFP71W97X128594 – 2007 Crown Victoria

Findings/Current Activity :

The above vehicle is currently not in use and no longer has usable value to the City. The Finance Department will utilize GovDeals to sell the surplus vehicle.

Financial Impact:

The sale of the surplus vehicle will generate revenue that will be receipted in the General Fund.

Action options/Recommendations:

Staff would recommend approval.

Attachment: None



Morristown City Council Agenda Item Summary

Date: September 5, 2023

Agenda Item: Declare real estate at 709 Talbott Rd and 1201 Ridgecrest St to be surplus and authorize disposition of both properties by sealed proposal or bid.

Prepared By: Andrew Ellard

Subject: Surplus of Tax Sale Properties

Background: In August of 2022, the City ended up purchasing these two properties at tax sale as there were no other bidders for these properties, likely due to the high amount of delinquent taxes, property maintenance liens, and demolition liens. Per City policy, we purchased these properties in an effort to recoup as much of these unpaid amounts as possible. The redemption period on these properties has now run and the City has received title to the properties.

Findings/Current Activity:

Both of these lots could be suitable for in-fill development for residential use. We propose advertising these properties for sale and taking bids to be presented to the City Council.

Financial Impact:

The City paid \$14,201.36 for the Talbott Road property and \$10,422.92 for the Ridgecrest property as well as the 2022 taxes for each and mowing/maintenance costs. Taxes for 2023 are \$68.25 and \$91.00, respectively.

Action options/Recommendations:

Declare surplus and authorize disposition.

Attachment: None.



Morristown City Council Agenda Item Summary

Date: September 19, 2023

Agenda Item: Acknowledge receipt of a grant and the Mayor's execution of a grant contract between the City and Tennessee Department of Transportation for preliminary design in anticipation of rehabilitating certain areas of apron at the Morristown Regional Airport (\$59,850 state / \$3,150 local).

Prepared By: Andrew Ellard

Subject: Grant Agreement – Airport Apron Rehab Design

Background: The apron area surrounding the three older T-hangars and eastward toward the TCAT facility is in poor condition and is due to be rehabilitated in the next year. This design work is necessary before pursuing the next grant phase.

Findings/Current Activity:

The project is included on our Airport Capital Improvement Plan. The airport did similar apron rehab work on areas further west in recent years. In addition to pavement condition, continued stormwater challenges in the area of these older T-hangars will be taken into consideration in this design project.


Financial Impact:

This acquisition is on the airport's capital improvement plan and is budgeted by the city. Total cost is \$63,000. State participation is 95% and local match is 5%.

Action options/Recommendations:

Staff recommends approval.

Attachment: Grant agreement.

 GOVERNMENTAL GRANT CONTRACT (cost reimbursement grant contract with a federal or Tennessee local governmental entity or their agents and instrumentalities)																																															
Begin Date 8/18/2023		End Date 8/17/2024		Agency Tracking # 40100-51008	Edison ID 74118																																										
Grantee Legal Entity Name City of Morristown					Edison Vendor ID 4108																																										
Subrecipient or Recipient <input checked="" type="checkbox"/> Subrecipient <input type="checkbox"/> Recipient		Assistance Listing Number #N/A Grantee's fiscal year end – June 30th																																													
Service Caption (one line only)																																															
Funding — <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>FY</th> <th>State</th> <th>Federal</th> <th>Interdepartmental</th> <th>Other</th> <th>TOTAL Grant Contract Amount</th> </tr> </thead> <tbody> <tr> <td>2024</td> <td>\$59,850.00</td> <td>\$0.00</td> <td></td> <td>\$3,150.00</td> <td>\$63,000.00</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr> <td>TOTAL:</td> <td>\$59,850.00</td> <td>\$0.00</td> <td></td> <td>\$3,150.00</td> <td>\$63,000.00</td> </tr> </tbody> </table>						FY	State	Federal	Interdepartmental	Other	TOTAL Grant Contract Amount	2024	\$59,850.00	\$0.00		\$3,150.00	\$63,000.00																									TOTAL:	\$59,850.00	\$0.00		\$3,150.00	\$63,000.00
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Grantee Selection Process Summary <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <input checked="" type="checkbox"/> Competitive Selection <input type="checkbox"/> Non-competitive Selection </div> <div style="width: 60%;"> <p>For every project, the airport owner, sponsor or educational program must submit a letter of request and an application to the Aeronautics Division. The Aeronautics Division staff reviews all project requests monthly. The review is based on the Division's established criteria and policies. The review results are presented to the Commissioner for approval. Grant award amounts will be based upon available funds and the amount requested, and such funding will be continued in order of application approval.</p> <p>Describe the reasons for a non-competitive grantee selection process.</p> </div> </div>																																															
Budget Officer Confirmation: There is a balance in the appropriation from which obligations hereunder are required to be paid that is not already encumbered to pay other obligations.				CPO USE - GG																																											
Speed Chart (optional)		Account Code (optional) 71302																																													

VENDOR ADDRESS: 1 LOCATION CODE: MAIN

**GRANT CONTRACT
BETWEEN THE STATE OF TENNESSEE,
DEPARTMENT OF TRANSPORTATION
AND
CITY OF MORRISTOWN**

This grant contract ("Grant Contract"), by and between the State of Tennessee Department of Transportation, hereinafter referred to as the "State" or the "Grantor State Agency" and Grantee City of Morristown, hereinafter referred to as the "Grantee," is for the provision of airport development, as further defined in the "SCOPE OF SERVICES AND DELIVERABLES."

Grantee Edison Vendor ID # 4108

A. SCOPE OF SERVICES AND DELIVERABLES:

- A.1. The Grantee shall provide the scope of services and deliverables ("Scope") as required, described, and detailed in this Grant Contract.
- A.2. The purpose of this Grant shall be to sponsor a project for the further development of a public airport under Tennessee Code Annotated 42-2-203 and the Airport and Airway Improvement Act of 1982, Title 49 of the United States Code or Tennessee Code Annotated 4-3-2313 and 2314, Aeronautics Economic Development Fund. Pursuant to these provisions, the State shall be designated as the party to apply for, receive, and disburse all funds to be used in the payment of the costs of said project or as reimbursement of costs incurred. The Grantee shall be a recipient of funds from the State Transportation Equity Fund and/or Federal Airport Improvement Program, and/or Aeronautics Economic Development Fund, and shall undertake an airport improvement project.
- A.3. Incorporation of Additional Documents. Each of the following documents is included as a part of this Grant Contract by reference or attachment. In the event of a discrepancy or ambiguity regarding the Grantee's duties, responsibilities, and performance hereunder, these items shall govern in order of precedence below.
- a. this Grant Contract document with any attachments or exhibits (excluding the items listed at subsections b. and c., below);
 - b. the State grant proposal solicitation as may be amended, if any;
 - c. the Grantee's proposal (**Attachment One**) incorporated to elaborate supplementary scope of services specifications.

B. TERM OF CONTRACT:

- B.1. This Grant Contract shall be effective on **August 18th, 2023** ("Effective Date") and extend for a period of **twelve (12) months** after the Effective Date ("Term"). The State shall have no obligation to the Grantee for fulfillment of the Scope outside the Term.
- B.2. Renewal Options. This Grant Contract may be renewed upon satisfactory completion of the Term. The State reserves the right to execute up to **four (4)** renewal options under the same terms and conditions for a period not to exceed twelve (12) months each by the State, at the State's sole option. In no event, however, shall the maximum Term, including all renewals or extensions, exceed a total of sixty (60) months.

C. PAYMENT TERMS AND CONDITIONS:

- C.1. Maximum Liability. In no event shall the maximum liability of the State under this Grant Contract exceed **Sixty-Three Thousand Dollars and Zero Cents (\$63,000.00)** ("Maximum Liability"). The Grant Budget, attached and incorporated as **Attachment Two** is the maximum amount due the Grantee under this Grant Contract. The Grant Budget line-items include, but are not limited to, all applicable taxes, fees, overhead, and all other direct and indirect costs incurred or to be incurred by the Grantee.
- C.2. Compensation Firm. The Maximum Liability of the State is not subject to escalation for any reason unless amended. The Grant Budget amounts are firm for the duration of the Grant Contract and are not subject to escalation for any reason unless amended, except as provided in Section C.6.
- C.3. Payment Methodology. The Grantee shall be reimbursed for actual, reasonable, and necessary costs based upon the Grant Budget, not to exceed the Maximum Liability established in Section C.1. Upon progress toward the completion of the Scope, as described in Section A of this Grant Contract, the Grantee shall submit invoices prior to any reimbursement of allowable costs.
- C.4. Travel Compensation. Reimbursement to the Grantee for travel, meals, or lodging shall be subject to amounts and limitations specified in the "State Comprehensive Travel Regulations," as they are amended from time to time, and shall be contingent upon and limited by the Grant Budget funding for said reimbursement.
- C.5. Invoice Requirements. The Grantee shall invoice the State no more often than monthly, with all necessary supporting documentation, and present such to:

Department of Transportation – Aeronautics Division
<https://www.blackcataviation.com>

- a. Each invoice shall clearly and accurately detail all of the following required information (calculations must be extended and totaled correctly).
- (1) Invoice/Reference Number (assigned by the Grantee).
 - (2) Invoice Date.
 - (3) Invoice Period (to which the reimbursement request is applicable).
 - (4) Grant Contract Number (assigned by the State).
 - (5) Grantor: Department of Transportation – Aeronautics Division
 - (6) Grantor Number (assigned by the Grantee to the above-referenced Grantor).
 - (7) Grantee Name.
 - (8) Grantee Tennessee Edison Registration ID Number Referenced in Preamble of this Grant Contract.
 - (9) Grantee Remittance Address.
 - (10) Grantee Contact for Invoice Questions (name, phone, or fax).
 - (11) Itemization of Reimbursement Requested for the Invoice Period— it must detail, at minimum, all of the following:
 - i. The amount requested by Grant Budget line-item (including any travel expenditure reimbursement requested and for which documentation and receipts, as required by "State Comprehensive Travel Regulations," are attached to the invoice).
 - ii. The amount reimbursed by Grant Budget line-item to date.
 - iii. The total amount reimbursed under the Grant Contract to date.
 - iv. The total amount requested (all line-items) for the Invoice Period.
- b. The Grantee understands and agrees to all of the following.

- (1) An invoice under this Grant Contract shall include only reimbursement requests for actual, reasonable, and necessary expenditures required in the delivery of service described by this Grant Contract and shall be subject to the Grant Budget and any other provision of this Grant Contract relating to allowable reimbursements.
- (2) An invoice under this Grant Contract shall not include any reimbursement request for future expenditures.
- (3) An invoice under this Grant Contract shall initiate the timeframe for reimbursement only when the State is in receipt of the invoice, and the invoice meets the minimum requirements of this section C.5.
- (4) An invoice under this Grant Contract shall be presented to the State within sixty (60) days after the end of the calendar month in which the subject costs were incurred or services were rendered by the Grantee. An invoice submitted more than sixty (60) days after such date will NOT be paid. The State will not deem such Grantee costs to be allowable and reimbursable by the State unless, at the sole discretion of the State, the failure to submit a timely invoice is warranted. The Grantee shall submit a special, written request for reimbursement with any such untimely invoice. The request must detail the reason the invoice is untimely as well as the Grantee's plan for submitting future invoices as required, and it must be signed by a Grantee agent that would be authorized to sign this Grant Contract.

C.6. Budget Line-items. Expenditures, reimbursements, and payments under this Grant Contract shall adhere to the Grant Budget. The Grantee may vary from a Grant Budget line-item amount by up to one percent (1%) of the line-item amount, provided that any increase is off-set by an equal reduction of other line-item amount(s) such that the net result of variances shall not increase the total Grant Contract amount detailed by the Grant Budget. Any increase in the Grant Budget, grand total amounts shall require an amendment of this Grant Contract.

C.7. Disbursement Reconciliation and Close Out. The Grantee shall submit any final invoice and a grant disbursement reconciliation report within sixty (60) days of the Grant Contract end date and in form and substance acceptable to the State.

- a. The Grant Budget specifies a Grantee Match Requirement, and the final grant disbursement reconciliation report shall detail all Grantee expenditures recorded to meet this requirement.
 - i. No Grantee expenditure shall be recorded and reported toward meeting a Grantee Match Requirement of more than one grant contract with the State.
 - ii. The final grant disbursement reconciliation report shall specifically detail the exact amount of any Grantee failure to meet a Match Requirement, and the maximum total amount reimbursable by the State pursuant to this Grant Contract, as detailed by the Grant Budget column "Grant Contract," shall be reduced by the amount that the Grantee failed to contribute to the Total Project as budgeted.
- b. If total disbursements by the State pursuant to this Grant Contract exceed the amounts permitted by the section C, payment terms and conditions of this Grant Contract (including any adjustment pursuant to subsection a.ii. above), the Grantee shall refund the difference to the State. The Grantee shall submit the refund with the final grant disbursement reconciliation report.
- c. The State shall not be responsible for the payment of any invoice submitted to the state after the grant disbursement reconciliation report. The State will not deem any Grantee

costs submitted for reimbursement after the grant disbursement reconciliation report to be allowable and reimbursable by the State, and such invoices will NOT be paid.

- d. The Grantee's failure to provide a final grant disbursement reconciliation report to the state as required shall result in the Grantee being deemed ineligible for reimbursement under this Grant Contract, and the Grantee shall be required to refund any and all payments by the state pursuant to this Grant Contract.
 - e. The Grantee must close out its accounting records at the end of the contract period in such a way that reimbursable expenditures and revenue collections are NOT carried forward.
- C.8. Indirect Cost. Should the Grantee request reimbursement for indirect costs, the Grantee must submit to the State a copy of the indirect cost rate approved by the cognizant federal agency or the cognizant state agency, as applicable. The Grantee will be reimbursed for indirect costs in accordance with the approved indirect cost rate and amounts and limitations specified in the attached Grant Budget. Once the Grantee makes an election and treats a given cost as direct or indirect, it must apply that treatment consistently and may not change during the Term. Any changes in the approved indirect cost rate must have prior approval of the cognizant federal agency or the cognizant state agency, as applicable. If the indirect cost rate is provisional during the Term, once the rate becomes final, the Grantee agrees to remit any overpayment of funds to the State, and subject to the availability of funds the State agrees to remit any underpayment to the Grantee.
- C.9. Cost Allocation. If any part of the costs to be reimbursed under this Grant Contract are joint costs involving allocation to more than one program or activity, such costs shall be allocated and reported in accordance with the provisions of Department of Finance and Administration Policy Statement 03 or any amendments or revisions made to this policy statement during the Term.
- C.10. Payment of Invoice. A payment by the State shall not prejudice the State's right to object to or question any reimbursement, invoice, or related matter. A payment by the State shall not be construed as acceptance of any part of the work or service provided or as approval of any amount as an allowable cost.
- C.11. Non-allowable Costs. Any amounts payable to the Grantee shall be subject to reduction for amounts included in any invoice or payment that are determined by the State, on the basis of audits or monitoring conducted in accordance with the terms of this Grant Contract, to constitute unallowable costs.
- C.12. State's Right to Set Off. The State reserves the right to set off or deduct from amounts that are or shall become due and payable to the Grantee under this Grant Contract or under any other agreement between the Grantee and the State of Tennessee under which the Grantee has a right to receive payment from the State.
- C.13. Prerequisite Documentation. The Grantee shall not invoice the State under this Grant Contract until the State has received the following, properly completed documentation.
- a. The Grantee shall complete, sign, and return to the State an "Authorization Agreement for Automatic Deposit (ACH Credits) Form" provided by the State. By doing so, the Grantee acknowledges and agrees that, once this form is received by the State, all payments to the Grantee under this or any other grant contract will be made by automated clearing house ("ACH").
 - b. The Grantee shall complete, sign, and return to the State the State-provided W-9 form. The taxpayer identification number on the W-9 form must be the same as the Grantee's

Federal Employer Identification Number or Social Security Number referenced in the Grantee's Edison registration information.

D. STANDARD TERMS AND CONDITIONS:

- D.1. Required Approvals. The State is not bound by this Grant Contract until it is signed by the parties and approved by appropriate officials in accordance with applicable Tennessee laws and regulations (depending upon the specifics of this Grant Contract, the officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Human Resources, and the Comptroller of the Treasury).
- D.2. Modification and Amendment. This Grant Contract may be modified only by a written amendment signed by all parties and approved by the officials who approved the Grant Contract and, depending upon the specifics of the Grant Contract as amended, any additional officials required by Tennessee laws and regulations (the officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Human Resources, and the Comptroller of the Treasury).
- D.3. Termination for Convenience. The State may terminate this Grant Contract without cause for any reason. A termination for convenience shall not be a breach of this Grant Contract by the State. The State shall give the Grantee at least thirty (30) days written notice before the effective termination date. The Grantee shall be entitled to compensation for authorized expenditures and satisfactory services completed as of the termination date, but in no event shall the State be liable to the Grantee for compensation for any service that has not been rendered. The final decision as to the amount for which the State is liable shall be determined by the State. The Grantee shall not have any right to any actual general, special, incidental, consequential, or any other damages whatsoever of any description or amount for the State's exercise of its right to terminate for convenience.
- D.4. Termination for Cause. If the Grantee fails to properly perform its obligations under this Grant Contract, or if the Grantee violates any terms of this Grant Contract, the State shall have the right to immediately terminate this Grant Contract and withhold payments in excess of fair compensation for completed services. Notwithstanding the exercise of the State's right to terminate this Grant Contract for cause, the Grantee shall not be relieved of liability to the State for damages sustained by virtue of any breach of this Grant Contract by the Grantee.
- D.5. Subcontracting. The Grantee shall not assign this Grant Contract or enter into a subcontract for any of the services performed under this Grant Contract without obtaining the prior written approval of the State. If such subcontracts are approved by the State, each shall contain, at a minimum, sections of this Grant Contract pertaining to "Conflicts of Interest," "Lobbying," "Nondiscrimination," "Public Accountability," "Public Notice," and "Records" (as identified by the section headings). Notwithstanding any use of approved subcontractors, the Grantee shall remain responsible for all work performed.
- D.6. Conflicts of Interest. The Grantee warrants that no part of the total Grant Contract Amount shall be paid directly or indirectly to an employee or official of the State of Tennessee as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant to the Grantee in connection with any work contemplated or performed relative to this Grant Contract.
- D.7. Lobbying. The Grantee certifies, to the best of its knowledge and belief, that:
- a. No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal

contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

- b. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this contract, grant, loan, or cooperative agreement, the Grantee shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- c. The Grantee shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into and is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352.

- D.8. Communications and Contacts. All instructions, notices, consents, demands, or other communications required or contemplated by this Grant Contract shall be in writing and shall be made by certified, first class mail, return receipt requested and postage prepaid, by overnight courier service with an asset tracking system, or by email or facsimile transmission with recipient confirmation. All communications, regardless of method of transmission, shall be addressed to the respective party as set out below:

The State:

Evan Rodgers
Transportation Program Monitor
TN Dept. of Transportation – Aeronautics Division
7335 Centennial Boulevard
Nashville, TN 37209
Telephone # 615-741-3208

The Grantee:

Gary Chesney, City Mayor
City of Morristown
PO Box 1499
Morristown, TN 37816
Email: gchesney@mymorristown.com
Telephone: 423-581-0100

A change to the above contact information requires written notice to the person designated by the other party to receive notice.

All instructions, notices, consents, demands, or other communications shall be considered effectively given upon receipt or recipient confirmation as may be required.

- D.9. Subject to Funds Availability. This Grant Contract is subject to the appropriation and availability of State or Federal funds. In the event that the funds are not appropriated or are otherwise unavailable, the State reserves the right to terminate this Grant Contract upon written notice to the Grantee. The State's right to terminate this Grant Contract due to lack of funds is not a breach of this Grant Contract by the State. Upon receipt of the written notice, the Grantee shall cease all work associated with the Grant Contract. Should such an event occur, the Grantee

shall be entitled to compensation for all satisfactory and authorized services completed as of the termination date. Upon such termination, the Grantee shall have no right to recover from the State any actual, general, special, incidental, consequential, or any other damages whatsoever of any description or amount.

- D.10. **Nondiscrimination.** The Grantee hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Grant Contract or in the employment practices of the Grantee on the grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification protected by federal, Tennessee state constitutional, or statutory law. The Grantee shall, upon request, show proof of nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.
- D.11. **HIPAA Compliance.** The State and the Grantee shall comply with obligations under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Health Information Technology for Economic and Clinical Health Act (HITECH) and any other relevant laws and regulations regarding privacy (collectively the "Privacy Rules"). The obligations set forth in this Section shall survive the termination of this Grant Contract.
- a. The Grantee warrants to the State that it is familiar with the requirements of the Privacy Rules and will comply with all applicable HIPAA requirements in the course of this Grant Contract.
 - b. The Grantee warrants that it will cooperate with the State, including cooperation and coordination with State privacy officials and other compliance officers required by the Privacy Rules, in the course of performance of this Grant Contract so that both parties will be in compliance with the Privacy Rules.
 - c. The State and the Grantee will sign documents, including but not limited to business associate agreements, as required by the Privacy Rules and that are reasonably necessary to keep the State and the Grantee in compliance with the Privacy Rules. This provision shall not apply if information received by the State under this Grant Contract is NOT "protected health information" as defined by the Privacy Rules, or if the Privacy Rules permit the State to receive such information without entering into a business associate agreement or signing another such document.
- D.12. **Public Accountability.** If the Grantee is subject to Tenn. Code Ann. § 8-4-401 *et seq.*, or if this Grant Contract involves the provision of services to citizens by the Grantee on behalf of the State, the Grantee agrees to establish a system through which recipients of services may present grievances about the operation of the service program. The Grantee shall also display in a prominent place, located near the passageway through which the public enters in order to receive Grant supported services, a sign at least eleven inches (11") in height and seventeen inches (17") in width stating:

NOTICE: THIS AGENCY IS A RECIPIENT OF TAXPAYER FUNDING. IF YOU OBSERVE AN AGENCY DIRECTOR OR EMPLOYEE ENGAGING IN ANY ACTIVITY WHICH YOU CONSIDER TO BE ILLEGAL, IMPROPER, OR WASTEFUL, PLEASE CALL THE STATE COMPTROLLER'S TOLL-FREE HOTLINE: 1-800-232-5454.

The sign shall be on the form prescribed by the Comptroller of the Treasury. The Grantor State Agency shall obtain copies of the sign from the Comptroller of the Treasury, and upon request from the Grantee, provide Grantee with any necessary signs.

- D.13. Public Notice. All notices, informational pamphlets, press releases, research reports, signs, and similar public notices prepared and released by the Grantee in relation to this Grant Contract shall include the statement, "This project is funded under a grant contract with the State of Tennessee." All notices by the Grantee in relation to this Grant Contract shall be approved by the State.
- D.14. Licensure. The Grantee, its employees, and any approved subcontractor shall be licensed pursuant to all applicable federal, state, and local laws, ordinances, rules, and regulations and shall upon request provide proof of all licenses.
- D.15. Records. The Grantee and any approved subcontractor shall maintain documentation for all charges under this Grant Contract. The books, records, and documents of the Grantee and any approved subcontractor, insofar as they relate to work performed or money received under this Grant Contract, shall be maintained in accordance with applicable Tennessee law. In no case shall the records be maintained for a period of less than five (5) full years from the date of the final payment. The Grantee's records shall be subject to audit at any reasonable time and upon reasonable notice by the Grantor State Agency, the Comptroller of the Treasury, or their duly appointed representatives.
- The records shall be maintained in accordance with Governmental Accounting Standards Board (GASB) Accounting Standards or the Financial Accounting Standards Board (FASB) Accounting Standards Codification, as applicable, and any related AICPA Industry Audit and Accounting guides.
- In addition, documentation of grant applications, budgets, reports, awards, and expenditures will be maintained in accordance with U.S. Office of Management and Budget's *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*.
- Grant expenditures shall be made in accordance with local government purchasing policies and procedures and purchasing procedures for local governments authorized under state law.
- The Grantee shall also comply with any recordkeeping and reporting requirements prescribed by the Tennessee Comptroller of the Treasury.
- The Grantee shall establish a system of internal controls that utilize the COSO Internal Control - Integrated Framework model as the basic foundation for the internal control system. The Grantee shall incorporate any additional Comptroller of the Treasury directives into its internal control system.
- Any other required records or reports which are not contemplated in the above standards shall follow the format designated by the head of the Grantor State Agency, the Central Procurement Office, or the Commissioner of Finance and Administration of the State of Tennessee.
- D.16. Monitoring. The Grantee's activities conducted and records maintained pursuant to this Grant Contract shall be subject to monitoring and evaluation by the State, the Comptroller of the Treasury, or their duly appointed representatives.
- D.17. Progress Reports. The Grantee shall submit brief, periodic, progress reports to the State as requested.
- D.18. Annual and Final Reports. Grantee shall submit one of the following for Grant amounts greater than Two Thousand dollars (\$2,000.00) but less than Ten Thousand dollars (\$10,000.00): Grants with a term of only one (1) year – Grantee shall submit a final report within three (3) months of the Effective Date. Grants with a term more than one (1) year, the Grantee shall submit annual and final reports to the Grantor State Agency. At minimum, annual and final reports shall include: (a) the Grantee's name; (b) the Grant Contract's Edison identification number, Term, and total amount; (c) a narrative section that describes the program's goals, outcomes, successes and setbacks, whether the Grantee used benchmarks or indicators to determine progress, and whether any proposed activities were not completed; and (d) other relevant details requested by

the Grantor State Agency. Annual and final report documents to be completed by the Grantee shall appear on the Grantor State Agency's website or as an attachment to the Grant Contract.

- D.19. **Audit Report.** The Grantee shall be audited in accordance with applicable Tennessee law. At least ninety (90) days before the end of its fiscal year, the Grantee shall complete the Information for Audit Purposes ("IAP") form online (accessible through the Edison Supplier portal) to notify the State whether or not Grantee is subject to an audit. The Grantee should submit only one, completed form online during the Grantee's fiscal year. Immediately after the fiscal year has ended, the Grantee shall fill out the End of Fiscal Year ("EOFY") (accessible through the Edison Supplier portal).

When a federal single audit is required, the audit shall be performed in accordance with U.S. Office of Management and Budget's *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*.

A copy of the audit report shall be provided to the Comptroller by the licensed, independent public accountant. Audit reports shall be made available to the public.

- D.20. **Procurement.** If other terms of this Grant Contract allow reimbursement for the cost of goods, materials, supplies, equipment, or contracted services, such procurement shall be made on a competitive basis, including the use of competitive bidding procedures, where practical. The Grantee shall maintain documentation for the basis of each procurement for which reimbursement is paid pursuant to this Grant Contract. In each instance where it is determined that use of a competitive procurement method is not practical, supporting documentation shall include a written justification for the decision and for use of a non-competitive procurement. If the Grantee is a subrecipient, the Grantee shall comply with 2 C.F.R. §§ 200.317—200.326 when procuring property and services under a federal award.

The Grantee shall obtain prior approval from the State before purchasing any equipment under this Grant Contract.

For purposes of this Grant Contract, the term "equipment" shall include any article of nonexpendable, tangible, personal property having a useful life of more than one year and an acquisition cost which equals or exceeds five thousand dollars (\$5,000.00).

- D.21. **Strict Performance.** Failure by any party to this Grant Contract to insist in any one or more cases upon the strict performance of any of the terms, covenants, conditions, or provisions of this Grant Contract is not a waiver or relinquishment of any term, covenant, condition, or provision. No term or condition of this Grant Contract shall be held to be waived, modified, or deleted except by a written amendment signed by the parties.
- D.22. **Independent Contractor.** The parties shall not act as employees, partners, joint venturers, or associates of one another in the performance of this Grant Contract. The parties acknowledge that they are independent contracting entities and that nothing in this Grant Contract shall be construed to create a principal/agent relationship or to allow either to exercise control or direction over the manner or method by which the other transacts its business affairs or provides its usual services. The employees or agents of one party shall not be deemed or construed to be the employees or agents of the other party for any purpose whatsoever.
- D.23. **Limitation of State's Liability.** The State shall have no liability except as specifically provided in this Grant Contract. In no event will the State be liable to the Grantee or any other party for any lost revenues, lost profits, loss of business, loss of grant funding, decrease in the value of any securities or cash position, time, money, goodwill, or any indirect, special, incidental, punitive, exemplary or consequential damages of any nature, whether based on warranty, contract, statute, regulation, tort (including but not limited to negligence), or any other legal theory that may arise under this Grant Contract or otherwise. The State's total liability under this Grant Contract

(including any exhibits, schedules, amendments or other attachments to the Contract) or otherwise shall under no circumstances exceed the Maximum Liability originally established in Section C.1 of this Grant Contract. This limitation of liability is cumulative and not per incident.

- D.24. **Force Majeure.** “Force Majeure Event” means fire, flood, earthquake, elements of nature or acts of God, wars, riots, civil disorders, rebellions or revolutions, acts of terrorism or any other similar cause beyond the reasonable control of the party except to the extent that the non-performing party is at fault in failing to prevent or causing the default or delay, and provided that the default or delay cannot reasonably be circumvented by the non-performing party through the use of alternate sources, workaround plans or other means. A strike, lockout or labor dispute shall not excuse either party from its obligations under this Grant Contract. Except as set forth in this Section, any failure or delay by a party in the performance of its obligations under this Grant Contract arising from a Force Majeure Event is not a default under this Grant Contract or grounds for termination. The non-performing party will be excused from performing those obligations directly affected by the Force Majeure Event, and only for as long as the Force Majeure Event continues, provided that the party continues to use diligent, good faith efforts to resume performance without delay. The occurrence of a Force Majeure Event affecting Grantee's representatives, suppliers, subcontractors, customers or business apart from this Grant Contract is not a Force Majeure Event under this Grant Contract. Grantee will promptly notify the State of any delay caused by a Force Majeure Event (to be confirmed in a written notice to the State within one (1) day of the inception of the delay) that a Force Majeure Event has occurred, and will describe in reasonable detail the nature of the Force Majeure Event. If any Force Majeure Event results in a delay in Grantee's performance longer than forty-eight (48) hours, the State may, upon notice to Grantee: (a) cease payment of the fees until Grantee resumes performance of the affected obligations; or (b) immediately terminate this Grant Contract or any purchase order, in whole or in part, without further payment except for fees then due and payable. Grantee will not increase its charges under this Grant Contract or charge the State any fees other than those provided for in this Grant Contract as the result of a Force Majeure Event.
- D.25. **Tennessee Department of Revenue Registration.** The Grantee shall comply with all applicable registration requirements contained in Tenn. Code Ann. §§ 67-6-601 – 608. Compliance with applicable registration requirements is a material requirement of this Grant Contract.
- D.26. **Reserved.**
- D.27. **No Acquisition of Equipment or Motor Vehicles.** This Grant Contract does not involve the acquisition and disposition of equipment or motor vehicles acquired with funds provided under this Grant Contract.
- D.28. **State and Federal Compliance.** The Grantee shall comply with all applicable state and federal laws and regulations in the performance of this Grant Contract. The U.S. Office of Management and Budget's Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards is available here: http://www.ecfr.gov/cgi-bin/text-idx?SID=c6b2f053952359ba94470ad3a7c1a975&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl
- D.29. **Governing Law.** This Grant Contract shall be governed by and construed in accordance with the laws of the State of Tennessee, without regard to its conflict or choice of law rules. The Grantee agrees that it will be subject to the exclusive jurisdiction of the courts of the State of Tennessee in actions that may arise under this Grant Contract. The Grantee acknowledges and agrees that any rights or claims against the State of Tennessee or its employees hereunder, and any remedies arising there from, shall be subject to and limited to those rights and remedies, if any, available under Tenn. Code Ann. §§ 9-8-101 through 9-8-408.
- D.30. **Completeness.** This Grant Contract is complete and contains the entire understanding between the parties relating to the subject matter contained herein, including all the terms and conditions

agreed to by the parties. This Grant Contract supersedes any and all prior understandings, representations, negotiations, or agreements between the parties, whether written or oral.

- D.31. Severability. If any terms and conditions of this Grant Contract are held to be invalid or unenforceable as a matter of law, the other terms and conditions shall not be affected and shall remain in full force and effect. To this end, the terms and conditions of this Grant Contract are declared severable.
- D.32. Headings. Section headings are for reference purposes only and shall not be construed as part of this Grant Contract.
- D.33. Iran Divestment Act. The requirements of Tenn. Code Ann. § 12-12-101, *et seq.*, addressing contracting with persons as defined at Tenn. Code Ann. §12-12-103(5) that engage in investment activities in Iran, shall be a material provision of this Grant Contract. The Grantee certifies, under penalty of perjury, that to the best of its knowledge and belief that it is not on the list created pursuant to Tenn. Code Ann. § 12-12-106.
- D.34. Debarment and Suspension. The Grantee certifies, to the best of its knowledge and belief, that it, its current and future principals, its current and future subcontractors and their principals:
- a. are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal or state department or agency;
 - b. have not within a three (3) year period preceding this Grant Contract been convicted of, or had a civil judgment rendered against them from commission of fraud, or a criminal offence in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or grant under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;
 - c. are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses detailed in section b. of this certification; and
 - d. have not within a three (3) year period preceding this Grant Contract had one or more public transactions (federal, state, or local) terminated for cause or default.

The Grantee shall provide immediate written notice to the State if at any time it learns that there was an earlier failure to disclose information or that due to changed circumstances, its principals or the principals of its subcontractors are excluded or disqualified, or presently fall under any of the prohibitions of sections a-d.

- D.35. **Confidentiality of Records.** Strict standards of confidentiality of records and information shall be maintained in accordance with applicable state and federal law. All material and information, regardless of form, medium or method of communication, provided to the Grantee by the State or acquired by the Grantee on behalf of the State that is regarded as confidential under state or federal law shall be regarded as "Confidential Information." Nothing in this Section shall permit Grantee to disclose any Confidential Information, regardless of whether it has been disclosed or made available to the Grantee due to intentional or negligent actions or inactions of agents of the State or third parties. Confidential Information shall not be disclosed except as required or permitted under state or federal law. Grantee shall take all necessary steps to safeguard the confidentiality of such material or information in conformance with applicable state and federal law.

The obligations set forth in this Section shall survive the termination of this Grant Contract.

E. SPECIAL TERMS AND CONDITIONS:

- E.1. **Conflicting Terms and Conditions.** Should any of these special terms and conditions conflict with any other terms and conditions of this Grant Contract, the special terms and conditions shall be subordinate to the Grant Contract's other terms and conditions.
- E.2. **Grantee Match.** Upon execution of this grant contract, the Grantee will be required to deposit its share of the estimated total project cost to the State.
- Additional deposits will be required if actual costs exceed the estimated costs. Any excess in the amount deposited above actual costs will be refunded.
- If the cost of this project increases by more than fifteen percent (15%) of the estimated grant contract amount during the progress of the work, the parties agree to enter into a supplemental agreement setting out the respective financial obligations of the State, Grantee, and the Federal Airport Improvement Program.
- E.3. **Airport Operations.** For all grants that total fifty thousand dollars (\$50,000.00) or more, as consideration for receiving this Grant from the State, the Grantee agrees to operate and maintain the Airport for a period of twenty (20) years from the effective date of this Grant Contract.
- E.4. **No Retainage Allowed.** The Grantee may not withhold retainage on progress payments from the prime contractor and the prime contractor may not withhold retainage from their subcontractors.
- E.5. **Printing Authorization.** The Grantee agrees that no printing/publication shall be printed pursuant to this Grant Agreement without the prior authorization of the State even if printing costs are included in the budget line items, and shall be contingent upon and limited by the Grant Budget funding for said reimbursement. The Grantee and its employees may publish the results of the research in whole or in part as they deem appropriate without authorization by the State if it is at no cost to the Grantor State Agency.
- E.6. **Travel Requirements.** Travel must be project related and ALL conference and/or out-of-state travel must be preapproved by the Grantor State Agency even if included in the budget line items, and shall be contingent upon and limited by the Grant Budget funding for said reimbursement.
- The Grantee, upon request, must include (in addition to other invoice requirements of this Grant Agreement) a complete itemization of travel compensation requested in accordance with and attaching to the invoice appropriate documentation and receipts as required by the above-referenced "State Comprehensive Travel Regulations."
- E.7. **Ban on Texting While Driving.** In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009 and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the State and subrecipients are encouraged to:

- a. Adopt and enforce workplace safety policies to decrease crashes by distracted drivers, including policies to ban text messaging while driving when performing any work related to this grant or subgrant.
 - b. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - (1) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - (2) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- E.8. Co-Sponsor. If the Grantee is a co-sponsor, the Grantee hereby acknowledges that it understands and agrees that the co-sponsors jointly and severally adopt and ratify the representations and assurances contained herein and that the word "Sponsor" as used in the application and other assurances is deemed to include all co-sponsors.
- E.9. Completion of Project and Repayment of Funds. The Grantee agrees to use best efforts to ensure timely completion of the Project. If the Grantee elects not to complete the Project, then the Grantee shall notify the State in writing within thirty (30) days after having made such determination and, at the discretion of the State, the Grantee may be required upon written notice to repay to the State some or all of the funds paid to the Grantee pursuant to this Agreement. The State shall have the sole determination over the amount of funds owed by the Grantee. If the State determines that any funds are owed by the Grantee, the Grantee shall pay said funds within one hundred eighty (180) days of receipt of written notice from the State.

IN WITNESS WHEREOF,

CITY OF MORRISTOWN:

32-555-0780-24

Gary D. Chesney
Gary D. Chesney (Sep 13, 2023 08:31 EDT)

Sep 13, 2023

GRANTEE SIGNATURE

DATE

GARY CHESNEY, CITY MAYOR

PRINTED NAME AND TITLE OF GRANTEE SIGNATORY (above)

TENNESSEE DEPARTMENT OF TRANSPORTATION:

HOWARD H. ELEY, DEPUTY GOVERNOR AND COMMISSIONER

DATE

APPROVED AS TO FORM AND LEGALITY:

JOHN REINBOLD, GENERAL COUNSEL

DATE

Application for Funding Assistance (State)	
1. APPLICANT INFORMATION:	
*a. Sponsor Name: City of Morristown	
*b. Airport Name: Morristown Municipal Airport	
c. Name and contact information of person to be contacted on matters involving this application:	
Prefix: _____	*First Name: <u>Andrew</u>
Middle Name: _____	
*Last Name: <u>Ellard</u>	
Suffix: _____	
Title: Assistant City Manager	
Organizational Affiliation: City of Morristown	
*Telephone Number: (423) 585-4614	
*Email: aellard@mymorristown.com	
*2. Project Description: Apron TH01MO-002, APAMO-002 Rehabilitation, Preliminary Design	
<p>*3. Explanation of Need: The areas that are shown on the current PCI report done by the Tennessee Aeronautics Division shows that these apron areas are some of the worst on the airport. These areas are shown to be a 52 and 47. They are in need of attention. This project will be for Environmental review and preliminary design.</p>	
Attach supporting documents as required under Application Forms	

4. Proposed Project Schedule:	
*a. Start Date: 12/30/2023	*b. End Date: 01/17/2024
5. Funding Requested (\$):	
*a. TOTAL: \$ 63,000.00	
<p>6. *By signing this application, I certify that the statements herein are true, complete, and accurate to the best of my knowledge. I also provide the required assurances and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)</p> <p><input checked="" type="checkbox"/> I AGREE</p>	
Authorized Representative:	
Prefix: _____	*First Name: <u>Andrew</u>
Middle Name: _____	
*Last Name: <u>Ellard</u>	
Suffix: _____	
*Title: <u>Assistant City Manager</u>	
*Telephone Number: <u>(423) 585-4314</u>	
* Email: <u>aellard@mymorristown.com</u>	
*Signature of Authorized Representative: 	*Date Signed: <u>8-10-2023</u>

TDOT USE ONLY

Staff Recommended: APPROVED

Fiscal Year: <u>2024</u>	PSR Signature: <u>J.P.S.</u>	Date: <u>8/18/2023</u>
Federal: <u>\$0.00</u>	TAC Signature: _____	Date: _____
State: <u>\$59,850.00</u>		
Local: <u>\$3,150.00</u>		

**ATTACHMENT TWO
PAGE ONE**

GRANT BUDGET				
City of Morristown: Apron TH01MO-002, APAMO-001 & 002 Rehabilitation - Design				AERO-24-186-00
The Grant Budget line-item amounts below shall be applicable only to expense incurred during the following				
Applicable				
Period:		BEGIN: 8/18/2023	END: 8/17/2024	
POLICY 03 Object Line-item Reference	EXPENSE OBJECT LINE-ITEM CATEGORY ¹	GRANT CONTRACT	GRANTEE MATCH	TOTAL PROJECT
1. 2	Salaries, Benefits & Taxes	0.00	0.00	0.00
4, 15	Professional Fee, Grant & Award ²	\$59,850.00	\$3,150.00	\$63,000.00
5, 6, 7, 8, 9, 10	Supplies, Telephone, Postage & Shipping, Occupancy, Equipment Rental & Maintenance, Printing & Publications	0.00	0.00	0.00
11, 12	Travel, Conferences & Meetings	0.00	0.00	0.00
13	Interest ²	0.00	0.00	0.00
14	Insurance	0.00	0.00	0.00
16	Specific Assistance To Individuals	0.00	0.00	0.00
17	Depreciation ²	0.00	0.00	0.00
18	Other Non-Personnel ²	0.00	0.00	0.00
20	Capital Purchase ²	0.00	0.00	0.00
22	Indirect Cost	0.00	0.00	0.00
24	In-Kind Expense	0.00	0.00	0.00
25	GRAND TOTAL	\$59,850.00	\$3,150.00	\$63,000.00

¹ Each expense object line-item shall be defined by the Department of Finance and Administration Policy 03, *Uniform Reporting Requirements and Cost Allocation Plans for Subrecipients of Federal and State Grant Monies, Appendix A*. (posted on the Internet at: <https://www.tn.gov/finance/looking-for/policies.html>).

² Applicable detail follows this page if line-item is funded.

³ A Grantee Match Requirement is detailed by this Grant Budget, and the maximum total amount reimbursable by the State pursuant to this Grant Contract, as detailed by the "Grant Contract" column above, shall be reduced by the amount of any Grantee failure to meet the Match Requirement.

**ATTACHMENT TWO
PAGE TWO**

GRANT BUDGET LINE-ITEM DETAIL:

PROFESSIONAL FEE, GRANT & AWARD	AMOUNT
Apron TH01MO-002, APAMO-001 and 002 Rehabilitation-Design	\$63,000.00
TOTAL	\$63,000.00

TAD Project # 32-555-0780-24

Project Breakdown:

TX	\$59,850.00	95% State
	<u>\$ 3,150.00</u>	5% Local
Grant Total:	\$63,000.00	100%

Parent Child Information

The Grantee should complete this form and submit it with the Grant Contract. The Grantee should submit only one, completed "Parent Child Information" document to the State during the Grantee's fiscal year.

"Parent" means an entity whose IRS filing contains the information of at least one other entity.

"Child" means an entity whose information is contained in another entity's IRS filing.

Grantee's Edison Vendor ID number:

Is City of Morristown a parent? ☒ Yes ☐ No

If yes, provide the name and Edison Vendor ID number, if applicable, of any child entities.

Is City of Morristown a child? ☐ Yes ☒ No

If yes, complete the fields below.

Parent entity's name: City of Morristown

Parent entity's tax identification number: 62-6000369

Note: If the parent entity's tax identification number is a social security number, this form must be submitted via US mail to:

Central Procurement Office, Grants Program Manager
3rd Floor, WRS Tennessee Tower
312 Rosa L Parks Avenue
Nashville, TN 37243

Parent entity's contact information

Name of primary contact person: Andrew Ellard

Address: 100 West First North Street, Morristown, TN 37814

Phone number: 423-585-4614

Email address: aellard@mymorristown.com

Parent entity's Edison Vendor ID number, if applicable: 4108



Morristown City Council Agenda Item Summary

Date: September 19th, 2023

Agenda Item: Approval of agreement with LDA Engineering to provide surveying, engineering, and design services for the Cherokee Drive at Walters Drive Roundabout project in an amount of \$85,000.00.

Prepared By: Mike Poteet

Subject: Cherokee Drive at Walters Drive Roundabout

Background: The intersection of Cherokee Drive and Walters Drive has existing traffic issues. The area near the intersection is expected to continue to develop and add additional traffic to the intersection. LDA Engineering provided a concept of a Roundabout to improve traffic flow at the intersection.

Findings/Current Activity:

We asked LDA Engineering for a proposal for Professional Services for the Cherokee Drive at Walters Drive Roundabout. The proposal for their services is \$85,000.00 and includes the following:

1. Survey and Base Mapping
2. Engineering and Design (ROW and easement documents for acquisition)
3. Bidding (Bid documents, bidding, and recommendation for award)

Financial Impact:

Funds have been identified in Capital Projects funds, which will be addressed in an upcoming budget amendment.

Action options/Recommendations:

Staff recommends the City Council approve the proposal for Professional Service from LDA Engineering totaling \$85,000.00.

Attachment: Proposal for Professional Services for Cherokee Dr and Walters Dr Roundabout



LDA ENGINEERING

August 14, 2023

Mr. Larry Clark
Assistant City Administrator
City of Morristown
Post Office Box 1499
Morristown, TN 37816-1499

Reference: Proposal for Professional Services
Cherokee Drive at Walters Drive Roundabout

Dear Mr. Clark,

We appreciate the opportunity to work with the City of Morristown on this project. Below is our proposal to provide surveying and engineering services related to the design of the project.

PROJECT DESCRIPTION

The Cherokee Drive at Walters Drive Roundabout project consists of the reconstruction of the intersection of Cherokee Drive and Walters Drive. The existing 4-way stop intersection will be replaced with a single-lane roundabout.

This is a locally funded project. TDOT Standard Drawings and Specifications will be the governing guidelines for engineering and design. Other standards may include ADA, MUTCD, AASHTO, and FHWA publications.

SCOPE OF SERVICES

Task 1 – Survey and Base Mapping

- Conduct a topographic survey at the intersection and approaches.
- Research existing right-of-way and property lines to establish the easements and/or right-of-way acquisition that will be needed to construct the project.

Task 2 – Engineering and Design

- Prepare construction plans, specifications, and cost estimates (PS&E) for the project as described above.
- Submit PS&E for review and comment at 30%, 60%, and 90% levels of completion. Incorporate review comments into final construction documents.
- Continuously coordinate with City staff to ensure all expectations and project needs are being met.
- Prepare and submit applications for environmental permits – an NPDES General Stormwater Permit with Stormwater Pollution Prevention Plan (SWPPP) is required if the area of disturbance exceeds one acre.

- Prepare legal descriptions and exhibits for acquisition of right-of-way and easements.

Task 3 – Bidding

Provide services to assist in obtaining construction bids, to include the following:

- Prepare bid documents and technical specifications
- Attend a pre-bid meeting and respond to bidders' questions
- Prepare addenda to original bid documents
- Attend the bid opening
- Prepare a bid tabulation and recommendation for award of contract

EXCLUDED SERVICES

Although not a complete list of services to be excluded from this proposal, the following services are specifically excluded.

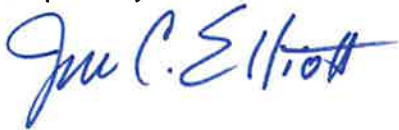
- Lighting design
- Landscape design
- Right-of-way acquisition, appraisals, and appraisal review
- NEPA documentation
- Construction engineering and inspection

PROJECT FEES

The total fee for the scope of work described above is \$85,000.00 lump sum. Services will be billed monthly.

If all conditions of this proposal are acceptable, please sign below for authorization to proceed. Thank you again for this opportunity.

Respectfully,



Jason C. Elliott, P.E.
Principal / Engineer

ACCEPTANCE OF PROPOSAL AND AUTHORIZATION TO PROCEED

By: _____

Date: _____



Morristown City Council Agenda Item Summary

Date: September 19, 2023

Agenda Item:

Prepared By: Larry Clark

Subject: Approval of Overhead Sidewalk Bid

Background/History: The pedestrian bridge over Henry Street was damaged by a vehicle. As reported to Council the owner of vehicle is unknown.

Findings/Current Activity: This is to approve a bid for repair of the beam and sidewalk. Two bids were received with Herrco being the lowest compliant bidder, \$38,200.00.

Financial Impact: Amount of bid is \$38,200.00. Amount is budgeted.

Action options/Recommendations: Approval of bid and City Administrator to enter into a contract.

Attachment: Consultant recommendation

Date: September 12, 2023

Ms. Jeanna Vanek
Purchasing Agent
City of Morristown
100 West First North Street
Morristown, TN 37814

RE: Overhead Pedestrian Bridge Repair over Henry Street at Main Street
Bid Review and Recommendation

Dear Ms. Vanek:

Rummel, Klepper & Kahl, LLP (RK&K) has evaluated the bids received on September 12, 2023 for the Overhead Pedestrian Bridge Repair over Henry Street at Main Street which consists of making repairs and providing traffic control to damaged beam of subject pedestrian bridge. Two (2) bids were received as follows:

Herrco, Inc. - \$38,200.00
Southern Constructors, Inc. - \$69,000.00

The low bid was submitted by Herrco, Inc. in the amount of \$38,200.00. Our evaluation of the experience, reputation, and financial condition of Herrco, Inc. indicates that they are capable of completing the work required. Therefore, we recommend the award of a contract for construction of the Overhead Pedestrian Bridge Repair over Henry Street at Main Street to Herrco, Inc. in the amount of \$38,200.00.

Sincerely,
Rummel, Klepper & Kahl, LLP



Jeremiah Davis, PE
TN CEI Manager



September 1, 2023

SENT VIA CERTIFIED MAIL

City of Morristown,
TN Administration Attn: Anthony W. Cox
100 West First North Street
Morristown, TN 37814

Re: Term Extension for Red Light and Speed Agreement

Dear Mr. Cox:

This letter (the “Letter”) confirms the agreement of Redflex Traffic Systems Inc., d/b/a (“Verra Mobility Systems”), and the City of Morristown, Tennessee (collectively “Parties”) to extend the term of the August 4, 2009 Agreement by and among City of Morristown, Tennessee, and Verra Mobility Systems, amended on June 10, 2011, and finally on October 2, 2019 (the “Agreement”).

The current term of the Agreement ends on October 3, 2023. The Parties agree to extend the Agreement until December 31, 2023, or until a new agreement has been executed, whichever is earlier.

Except as expressly amended in this Letter, the terms and conditions of the Agreement shall remain in full force and effect. To the extent that this Letter conflicts with the terms of the Agreement, this Letter shall control.

Please indicate your acceptance of this Letter by countersigning below and returning the fully executed copy to Omar ExumeOmar.Exume@verramobility.com

Sincerely,

Jon Baldwin
Executive Vice President, Government Solutions
Redflex Traffic Systems, Inc. d/b/a Verra Mobility Systems

ACCEPTED BY:

Name: _____
Title: _____
Date: _____



Morristown City Council Agenda Item Summary

Date: September 19, 2023

Agenda Item: Acceptance of donation of construction services from MB&R Contractors in an approximate amount of \$6,000 as related to the replacement of both pedestrian bridges at Fred Miller Park.

Prepared by: Travis Barbee, Parks and Recreation Department Director

Subject: Donation of Construction Services

Background/History: The two pedestrian bridges at Fred Miller Park needing replacement were installed 16 years ago.

Findings/Current Activity:

They have deteriorated to the extent they are beginning to pose a threat to people using them. MB&R Contractors wants to donate their time and labor or the replacement.

Financial Impact: None

Action options/Recommendations:

Accept donation of construction services

Attachment: None



Morristown City Council Agenda Item Summary

Date: September 19, 2023

Agenda Item: Authorize the one-time purchase of one hundred and fifty (150) Holsters for the Police Department from Dana Safety Supply as an open governmental agreement between Dana Safety Supply and Bradford County, Florida, in the amount of \$18,609.00.

Prepared By: Jeanna Vanek

Subject: Police Department Holsters

Background: The Police Department anticipated the purchase of this equipment in the FY2024 budget.

Findings/Current Activity:

Bradford County, Florida issued an RFP in 2019 for a wide range of public safety related equipment, much like what is seen in a cooperative purchase format. In addition to identifying various vendors and types of equipment deemed to be satisfactory, the end-product identifies pricing structure and warranty details. One of the resulting contracts with Dana Safety Supply, which includes the Alien Gear/Rapid Force Holsters, also invites any other governmental entity to utilize the contract for purchasing.

Bradford County followed an advertised, sealed proposal process, which included an objective rating process to arrive at the aforementioned contract. Morristown's use of this other entity's contract and pricing is known as "piggybacking" on their purchase process and contract.

Financial Impact:

Funds were appropriated in the FY24 budget to cover the cost of this purchase.

Action options/Recommendations:

Authorize the purchase

Attachment: Contract BCSO2019-01 and Amendment (Bradford County, FL) & Quote

Sales Quote

DANA SAFETY SUPPLY, INC
4809 KOGER BLVD
GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	496661-G
Customer No.	MORRITN

Bill To
MORRISTOWN POLICE DEPT 100 WEST FIRST NORTH STREET MORRISTOWN, TN 37814

Ship To
MORRISTOWN POLICE DEPT 100 WEST FIRST NORTH STREET MORRISTOWN, TN 37814

Contact:
Telephone: 423-585-2710
E-mail: accountspayable@mymorristown.com

Contact:
Telephone: 423-585-2710
E-mail: accountspayable@mymorristown.com

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
08/07/23	GROUND SHIPMENT	QUOTED FREIGHT		Net 30	
Entered By		Salesperson	Ordered By	Resale Number	
Dylan Chambers		DYLAN	DIANNA MORGAN		
Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
0	0	N	INFO BRADFORD CO CONTRACT: BCSO2019-01 Warehouse: DROP	0.0000	0.00
20	20	Y	ALL ALIEN GEAR ITEMS AT LEAST 15% OFF MSRP MISC ALIEN GEAR: RFW-0601-R-MB-115-D Warehouse: DROP RF Duty Holster - Swivel Drop Leg with Locking Belt Slide (Built-in QDS Receiver) - Glock 17/22 (Gen1-4)/47 - Right Hand - Matte - Black - w/ Light - Level 3 Retention - w/ XL MRDS Hood - Static connection	195.0000	3,900.00
5	5	Y	LIST PRICE: \$272.88 MISC ALIEN GEAR: RFW-0057-R-MB-115-D Warehouse: DROP RF Duty Holster - Swivel Drop Leg with Locking Belt Slide (Built-in QDS Receiver) - Glock 19/19X/23 (Gen 1-4)/45 - Right Hand - Matte - Black - w/ Light - Level 3 Retention - w/ XL MRDS Hood - Static connection LIST PRICE: \$272.88	195.0000	975.00

Print Date	08/25/23
Print Time	10:58:02 AM
Page No.	1

Printed By: Dylan Chambers

Continued on Next Page

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E-mail: accountspayable@mymorristown.com

Contact:
Telephone: 423-585-2710
E-mail: accountspayable@mymorristown.com

E-mail: accounts payable@hymnchristown.com		E-mail: accounts payable@hymnchristown.com		E-mail: accounts payable@hymnchristown.com									
Quote Date		Ship Via		F.O.B.		Customer PO Number		Payment Method					
08/07/23		GROUND SHIPMENT		QUOTED FREIGHT				Net 30					
Entered By			Salesperson			Ordered By			Resale Number				
Dylan Chambers			DYLAN			DIANNA MORGAN							
Order Quantity		Approve Quantity		Tax		Item Number / Description				Unit Price		Extended Price	
5		5		Y		MISC ALIEN GEAR: RFW-0601-L-MB-115-D Warehouse: DROP RF Duty Holster - Swivel Drop Leg with Locking Belt Slide (Built-in QDS Receiver) - Glock 17/22 (Gen 1-4)/47 - Left Hand - Matte - Black - w/ Light - Level 3 Retention - w/ XL MRDS Hood - Static connection LIST PRICE: \$272.88				195.0000		975.00	
3		3		Y		MISC ALIEN GEAR: RFW-0057-L-MB-115-D Warehouse: DROP RF Duty Holster - Swivel Drop Leg with Locking Belt Slide (Built-in QDS Receiver) - Glock 19/19X/23 (Gen 1-4)/45 - Left Hand - Matte - Black - w/ Light - Level 3 Retention - w/ XL MRDS Hood - Static connection LIST PRICE: \$272.88				195.0000		585.00	
10		10		Y		MISC ALIEN GEAR: PHO-0759-L0-D Warehouse: DROP Photon Holster - Glock 43/43X/43X MOS - Without Light LIST PRICE: \$44.88				32.0000		320.00	

Print Date	08/25/23
Print Time	10:58:02 AM
Page No.	2

Printed By: Dylan Chambers

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Quote Date		Ship Via		F.O.B.		Customer PO Number		Payment Method		
08/07/23		GROUND SHIPMENT		QUOTED FREIGHT				Net 30		
Entered By			Salesperson			Ordered By			Resale Number	
Dylan Chambers			DYLAN			DIANNA MORGAN				
Order Quantity	Approve Quantity	Tax	Item Number / Description					Unit Price	Extended Price	
5	5	Y	MISC ALIEN GEAR: RFS-0601-L-BB-100-D Warehouse: DROP RF Duty Holster - Slide - Mid Ride - Glock-17/3 1/47 (Gen1-5), Glock-22 (Gen1-4) - Left Hand - Basket - Black - w/ Light - Level 3 Retention - w/ XL MRDS Hood - Static connection LIST PRICE: \$157.88					113.0000	565.00	
7	7	Y	MISC ALIEN GEAR: RFS-0601-R-BB-100-D Warehouse: DROP RF Duty Holster - Slide - Mid Ride - Glock-17/3 1/47 (Gen1-5), Glock-22 (Gen1-4) - Right Hand - Basket - Black - w/ Light - Level 3 Retention - w/ XL MRDS Hood - Static connection LIST PRICE: \$157.88					113.0000	791.00	
35	35	Y	MISC ALIEN GEAR: R2-LB-0057-R-B-L0-D Warehouse: DROP Rapid Force Level 2 Slim Holster - Locking Belt Slide with QDS - Glock 19/19X/23/44/45 - Right Hand - Black - No light LIST PRICE: \$108.88					78.0000	2,730.00	

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Print Time	10:58:02 AM
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Printed By: Dylan Chambers

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GREENSBORO, NC 27407

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Quote Date		Ship Via		F.O.B.		Customer PO Number		Payment Method			
08/07/23		GROUND SHIPMENT		QUOTED FREIGHT				Net 30			
Entered By			Salesperson			Ordered By			Resale Number		
Dylan Chambers			DYLAN			DIANNA MORGAN					
Order Quantity	Approve Quantity	Tax	Item Number / Description					Unit Price	Extended Price		
3	3	Y	MISC ALIEN GEAR: R2-LB-0057-L-B-L0-D Warehouse: DROP Rapid Force Level 2 Slim Holster - Locking Belt Slide with QDS - Glock 19/19X/23/44/45 - Left Hand - Black - No light LIST PRICE: \$108.88					78.0000	234.00		
90	90	Y	MISC ALIEN GEAR: RFS-0601-R-BB-97-D Warehouse: DROP RF Duty Holster - Slide - Mid Ride - Glock-19/19X/17/31/32/38/45/47 (Gen1-5), Glock-22/23 (Gen 1-4) - Right Hand - Basket - Black - No Light - Level 3 Retention - w/ XL MRDS Hood - Static connection LIST PRICE: \$149.88					107.0000	9,630.00		
7	7	Y	MISC ALIEN GEAR: RFS-0601-L-BB-97-D Warehouse: DROP RF Duty Holster - Slide - Mid Ride - Glock-19/19X/17/31/32/38/45/47 (Gen1-5), Glock-22/23 (Gen 1-4) - Left Hand - Basket - Black - No Light - Level 3 Retention - w/ XL MRDS Hood - Static connection LIST PRICE: \$149.88					107.0000	749.00		

Print Date	08/25/23
Print Time	10:58:02 AM
Page No.	4

Printed By: Dylan Chambers

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Sales Quote

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GREENSBORO, NC 27407

Telephone: 800-845-0405

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Customer No.	MORRITN

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MORRISTOWN POLICE DEPT 100 WEST FIRST NORTH STREET MORRISTOWN, TN 37814

Contact:
Telephone: 423-585-2710
E-mail: accountspayable@mymorristown.com

Contact:
Telephone: 423-585-2710
E-mail: accountspayable@mymorristown.com

E-Mail: accounts payable@tymmerhardware.com

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
08/07/23	GROUND SHIPMENT	QUOTED FREIGHT		Net 30	
Entered By		Salesperson	Ordered By	Resale Number	
Dylan Chambers		DYLAN	DIANNA MORGAN		
Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
38	38	Y	RFX-P-BK-QDF-D ALIEN GEAR Duty Holster Paddle Expansion BIK QDS Warehouse: DROP RFX-P-BK-QDF-D Rapid Force Duty Holster Paddle Expansion, Black, QDS Receiver Approved By: _____ <div><input type="checkbox"/> Approve All Items & Quantities</div> Quote Good for 30 Days	40.0000	1,520.00

Print Date	08/25/23
Print Time	10:58:02 AM
Page No.	5

Printed By: Dylan Chambers

Subtotal	22,974.00
Freight	500.00
Order Total	23,474.00

CONTRACT
No. BCSO2019-01

THIS CONTRACT is executed this 12 day of July, 2019, by and between COUNTY OF BRADFORD, STARKE, FLORIDA, hereinafter called the "County" and DANA SAFETY SUPPLY, INC. hereinafter called the "Contractor",

WITNESSETH:

WHEREAS, the County issued RFP No. BCSO2019-01 (such document and all addenda thereto, if any, being hereafter referred to as "RFP") seeking proposals for furnishing of certain light systems and components; aftermarket vehicle accessories, and public safety / emergency vehicle equipment ("Vehicle Accessories") and other equipment not related to vehicles ("non-Vehicle Accessories"); and,

WHEREAS, the Contractor submitted a certain proposal dated June 17, 2019 ("Proposal") in response to that RFP; and,

WHEREAS, the County and the Contractor desire to enter into a contract for the purchase and installation of Vehicle Accessories, as more particularly set forth in this Contract;

NOW, THEREFORE, in consideration of the mutual promises and covenants, obligations, and terms hereinafter set forth, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, County and Contractor hereby agree as follows:

SECTION 1.0 PURCHASE AND INSTALLATION OF VEHICLE ACCESSORIES

1.1 Contractor shall provide and install Vehicle Accessories as may be ordered from time to time by the County. All Vehicle Accessories shall be priced, designed, constructed, equipped, and installed in accordance with the specifications set forth in the Proposal and applicable Change Orders executed by the parties unless otherwise stated in the Contract. All Vehicle Accessories and installations shall conform and comply with all applicable federal, state, and local laws, statutes, ordinances, and regulations.

1.1.1 The Contractor and the County shall schedule the following two meetings with respect to each order received from the County:

- (i) A pre-production meeting to completely review the specifications of the Vehicle Accessories and installation prior to commencing assembly or production of each order. The Contractor shall be represented by qualified sales representative(s) and / or technician(s) to properly facilitate the design and construction requirements. This meeting can be held at the County's location, by phone, or at the installation facilities of the Contractor as directed by the County.

- (ii) A final review and inspection shall be at the County's facility when the County vehicle with installed Vehicle Accessories ("Completed Vehicle") arrives and is considered by the Contractor to be complete. In addition to a complete inspection, County representatives will conduct a full performance test of each Completed Vehicle and of all integral systems. The Contractor shall provide all technical information and inspections and shall make available to the County all reasonably required third-party certifications. A technician shall be available to complete any needed repairs or to replace items not meeting specifications. At the option of the County, these repairs shall be facilitated at either the County's facility or at the facility of the Contractor.

1.1.2. The County or the Contractor, at any time, may request changes in the specifications or requirements related to a particular Vehicle Accessory or installation. No changes shall become effective until reduced to writing and signed by duly authorized representatives of each party ("Change Order"). All such Change Orders shall include, as a minimum, the following information:

- (i) The specific changes to be made (i.e. equipment installation, equipment, equipment components, etc.);
- (ii) Changes, if any, in the time for delivery of the Completed Vehicle; and,
- (iii) Changes in the price of the Vehicle Accessories or installation services.

1.2 Installation.

Should the County require Vehicle Accessories that cannot be provided by or purchased from the Contractor, the Contractor, at the request of the County, shall install such Vehicle Accessories provided by the County.

SECTION 2.0 PURCHASE OF PARTS

- 2.1 The Contractor shall provide such parts for all Vehicle Accessories installed under this Contract or non-Vehicle Accessories purchased under this Contract as the County may order from time to time. The Contractor shall provide original manufacturer part numbers. All parts ordered by the County shall be delivered to the County's designated location for delivery for each order. Significant delays in shipment beyond the reasonable control of the Contractor shall be subject to Section 10.10; provided, however, the Contractor, in such event, shall promptly notify the County regarding the details of any such delay so the County can make a final determination regarding responsibility.

SECTION 3.0 TERM

The Term of this Contract shall be a period of five (5) years, commencing on July 15, 2019, unless earlier terminated in accordance with the terms of this Contract. Such term may be extended for an additional five (5) year period, subject to mutual agreement of the parties.

SECTION 4.0 CONTRACT PRICING AND PAYMENT

4.1 Pricing.

4.1.1 During the Term, the County shall pay the Contractor for Vehicle Accessories ordered by the County based upon the Contractor's current pricing at the time a particular order is placed, less the stated discount (or mark-up) as set forth in the Proposal. The County shall pay the Contractor for installation of Vehicle Accessories, whether purchased from the Contractor or provided by the County, at the package prices or labor rates, as applicable, set forth in the Proposal, which rates may be modified from this time to time by mutual agreement as set forth in an amendment to this Contract.

4.1.2 A standard warranty package, as described and set forth in the Proposal, is included in the price of all Vehicle Accessories and non-Vehicle Accessories.

4.1.3 The listing and corresponding pricing of all Vehicle Accessories and non-Vehicle Accessories is listed in Exhibit A.

4.2 Payment.

4.2.1 All proper invoices shall be paid by the County in accordance with Florida Prompt Payment Act, Section 218.70, Florida Statutes.

4.2.2 In addition to other remedies available under this Contract, the County shall have the right to deduct, offset against, or withhold from sums or payments otherwise due the Contractor any sums or amounts which the Contractor may owe to the County pursuant to provisions of this Contract, as a result of breach or termination of this Contract, or otherwise.

SECTION 5.0 DELIVERY AND ACCEPTANCE

5.1 The Contractor shall fully assemble, service, and adjust each Vehicle Accessory prior to installation and delivery, and the Contractor shall demonstrate, to the satisfaction of the County, that each delivered Vehicle Accessory is in perfect mechanical condition.

5.2 Delivery of a Completed Vehicle to the County does not constitute acceptance for the purpose of payment or warranty start time. The County shall inspect and test each delivered Completed Vehicle to determine whether it meets all specifications and requirements set forth in this Contract and within ten (10) days following delivery, the

County shall notify the Contractor, in writing, of either its final acceptance of the Completed Vehicle and Accessory or the failure of the Completed Vehicle or Accessory to meet certain specifications and requirements. In the latter case, the Contractor, within ten (10) days following its receipt of written notice from the County, shall deliver to the County a detailed proposal and schedule for corrective action. If the proposed corrective action or schedule is not acceptable, or if approved corrective action is not timely completed, the County may refuse the Completed Vehicle. Each vehicle delivered or picked up by the Contractor for installation of Vehicle Accessories shall remain the responsibility of the Contractor, and the Contractor shall bear all risk of loss with respect thereto, until final acceptance of the Completed Vehicle by the County.

- 5.3 All non-Vehicle Accessory items that are delivered to the County should be inspected within three (3) business days for verification of all items being received that are listed on the packing slip that is included with the shipment. In the event that a packing slip is not included with the shipment, the Contractor should be notified with one (1) business day so that a packing slip can be provided. In addition, all items will need to be inspected for damage.

SECTION 6.0 INDEMNIFICATION.

- 6.1 The Contractor shall indemnify and save harmless the County, its officials and employees, from all losses, damages, costs, expenses, liability, claims, actions, and judgements of any kind whatsoever, including reasonable attorney's fees and costs of litigation, to the extent arising out of or caused by any act or omission of the Contractor, its subcontractors, or their respective employees, officers, directors, or agents, in the performance under this Contract. The indemnification obligation under this clause shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor or any subcontractor under any Workers' Compensation Act, Disability Benefit Act, or other Employee Benefit Act.
- 6.2 The Contractor shall, at its sole expense, defend any claim, suit or proceeding brought against the County, its official or employees, to the extent such claim, suit or proceeding is based on a claim that any Vehicle Accessories or non-Vehicle Accessories furnished under this Contract (collectively, "Infringing Work") constitutes infringement of any registered patent of the United States of America or county of manufacture, provided that County shall give the Contractor prompt written notice of any such claim, suit or proceeding and shall give the Contractor authority, information, and assistance in a timely manner for the defense of the same. The Contractor shall indemnify and hold the County, its officials or employees, harmless from and against all costs and damages awarded, and all attorney's fees incurred or awarded. In any suit or proceeding so defended. The Contractor will not be responsible for any settlement or proceeding made without its prior written response. In case said Infringing Work is enjoined, the Contractor shall, at its own expense and at its option, either (a) procure for County the right to continue using said Infringing Work, (b) replace said Infringing Work with substantially equivalent, equally functional, non-infringing work, parts or combination

thereof, or (c) modify such Infringing Work so that it becomes non-infringing, while maintaining the same functionality.

SECTION 7.0 INSURANCE.

7.1 Prior to commencing work, Contractor shall procure and maintain at Contractor's own cost and expense for the duration of the Contract, the following insurance against claims for injuries to person or damages to property which may arise from or in connection with the performance of the Scope of Services hereunder by Contractor, its agents, representatives, employees or sub-consultants. The cost of such insurance shall be borne by Contractor.

7.1.1 Contractor shall maintain the following coverage with limits no less than the indicated amounts:

- (a) *Commercial General/Umbrella Liability Insurance* - \$1,000,000 limit per occurrence for property damage and bodily injury. The certificate of insurance shall state whether the coverage is provided on a claims-made or preferably on an occurrence basis. The insurance shall include coverage for the following:
 - (i) Premise/Operations
 - (ii) Products/Completed Operations
 - (iii) Contractual
 - (iv) Independent Contractors
 - (v) Broad Form Property Damage
 - (vi) Personal Injury
- (b) *Business Automobile/Umbrella Liability Insurance* - \$1,000,000 limit per accident for property damage and personal injury.
 - (i) Owned/Leased Autos
 - (ii) Non-owned Autos
 - (iii) Hired Autos
- (c) *Workers' Compensation and Employers'/Umbrella Liability Insurance* - Workers' Compensation statutory limits as required by Chapter 440, Florida Statutes. This policy should include Employers'/Umbrella Liability Coverage for \$1,000,000 per accident.

7.1.2 Other Insurance Provisions

(a) Commercial General Liability and Automobile Coverage

- (i) County, members of its County Commission, boards, commissions and committees, officers, agents, employees and volunteers are to be covered as additional insureds as respects, liability arising out of activities performed by or on behalf of Contractor; products and completed operations of Contractor;

premises owned, leased or used by Contractor or premises on which Contractor is performing Services on behalf of County. The coverage shall contain no special limitations on the scope of protection afforded to County, members of its County Commission, boards, commissions and committees, officers, agents, employees, and volunteers.

- (ii) The Contractor insurance coverage shall be primary insurance as respects County, members of its County Commission, board, commissions and committees, officers, agents, employees and volunteers. Any insurance or self-insurance maintained by County, members of its County Commission, board, commissions and committees, officers, agents, employees and volunteers shall be excess of Contractor insurance and shall not contribute with it.
- (iii) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to County, members of its County Commission, board, commissions and committees, officers, agents, employees and volunteers.
- (iv) Coverage shall state that Contractor's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

(b) Workers' Compensation and Employers' Liability and Property Coverage

The insurer shall agree to waive all rights of subrogation against County, members of its County Commission, board, commissions and committees, officers, agents, employees and volunteers for losses arising from activities and operations of Contractor in the performance of Services under this Contract.

(c) All Coverage

- (i) Each insurance policy required by this Article shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days prior written notice has been given to County in accordance with this Contract.
- (ii) If Contractor, for any reason, fails to maintain any insurance coverage that is required pursuant to this Contract, the same shall be deemed a material breach of contract. County, at its sole option, may terminate this Contract and obtain damages from Contractor resulting from said breach.
- (iii) Alternatively, County may purchase such required insurance coverage (but has no special obligation to do so); and without further notice to Contractor, County may deduct from sums due to Contractor any premium costs advanced by County for such insurance.

7.1.3 Deductibles and Self-Insured Retention's

Any deductibles or self-insured retentions must be declared to and approved by County. At the option of County, the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects County, members of its County Commission, board, commissions and committees, officers, agents, employees and volunteers; or Contractor shall procure a bond guaranteeing payment of losses, related investigation, claim administration and defense expenses.

7.1.4 Acceptability of Insurers

Insurance is to be placed with Florida admitted insurers rated B+X or better by A.M. Best's rating service.

7.1.5 Verification of Coverage

Contractor shall furnish County with certificates of Insurance and with original endorsements affecting coverage required by this clause. The certificates and endorsements for each policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. Upon execution of the contract documents, the certificates and endorsements are to be received and approved by County before work commences.

SECTION 8.0 TERMINATION

- 8.1 The County may, by written notice to the Contractor, terminate this Contract in whole or in part, at any time, either for the convenience of County or because of failure of the contractor to fulfill its obligations. Upon receipt of such notice, the Contractor shall immediately discontinue all work affected (unless the notice directs otherwise).
- 8.2 If the termination is for the convenience of the County, the Contractor shall be paid for Vehicle Accessories and installation finally accepted and non-Vehicle Accessories received by the County as of the effective date of termination.
- 8.3 If the termination is due to the failure of the Contractor to fulfill its obligations under this Contract, the Contractor shall be liable to County for reasonable additional costs incurred by County as a result of such breach.
- 8.4 If, after notice of termination for failure to fulfill its obligations under this Contract, it is determined that Contractor has not so failed, the termination shall be deemed to have been effected for the convenience of County.
- 8.5 The rights and remedies of the parties provided in this Section 8 are in addition to any other rights and remedies such party may have a law, in equity, or under this Contract.

SECTION 9.0 WARRANTY AND MAINTENANCE

- 9.1 The Contractor hereby warrants all Vehicle Accessories and installation as set forth in its Proposal and the individual warranty documents delivered with order. The Contractor will respond, either on-site in Bradford County or by the vehicle being brought to the Contractor's facility, for all warranty repairs within two (2) business days following notice from the County.

SECTION 10.0 MISCELLANEOUS PROVISIONS

- 10.1 Time shall be the essence in performance of this Contract; provided, however, that either party shall be excused from timely performance under this Contract to the extent that, but only to the extent that, such delay is the result of any cause beyond the reasonable control of, and not the result of negligence or the lack of diligence of, the party claiming such excuse from timely performance.
- 10.2 Failure to enforce or insist upon compliance with any of the terms or conditions of this Contract or failure to give notice or declare this Contract terminated shall not constitute a general waiver or relinquishment of the same or any other terms, conditions, or acts; but the same shall be and remain at all times in full force and effect.
- 10.3 If written notice to a party is required under this Contract, such notice shall be given by hand delivery, recognized overnight delivery service, or by first class mail, registered and return receipt requested, to Contractor as follows:

Dana Safety Supply, Inc.
1855 Cassat Avenue, Unit 11
Jacksonville, Florida 32210
Attn: Sidney Wells

And to the County as follows:

Bradford County
Fleet Management Division
945-B North Temple Avenue
Starke, Florida 32091

- 10.4 Contractor shall not assign any of their rights or obligations under this Contract without prior approval by the County.
- 10.5 Contractor shall be responsible for the actions of any and all of their subcontractors and consultants. Neither subcontractors nor any consultants shall interface directly with the County.
- 10.6 This Contract and every question arising hereunder shall be construed, interpreted, or determined according to the laws of the State of Florida. Venue for any action brought in

relation to this Contract shall be placed in a court competent jurisdiction in Bradford County, Florida.

- 10.7 As required by Section 287.133 (2) (a), Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal on a contract to provide any goods or services to a public entity, may not submit a proposal on a contract with a public entity for the construction or repair of a public building or a public work, may not submit proposals or leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in s. 287.010 for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list. Any person must notify the County within 30 days after a conviction of a public entity crime applicable to that person or to an affiliate of that person.
- 10.8 The language of this Contract shall be construed according to its fair meaning, and not strictly for or against either County or Contractor. The section headings appearing herein are for the convenience of the parties and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of the Contract. If any provision of this Contract is determined to be void by any court of competent jurisdiction, then such determination shall not remain in full force and effect; and it is the intention of the parties hereto that if any provision of this Contract is capable of two constructions, one of which would render the provision void and the other of which would render the provisions valid, then the provision shall have the meaning which renders it valid.
- 10.9 Contractor agrees that it will not discriminate against any employee or applicant for employment for work under this Contract because of race, color, religion, gender, age or national origin and will take affirmative steps to ensure that applicants are employed and employees are treated during employment without regard to race, creed, color, sex, marital status or national origin.
- 10.10 Either party shall be excused from timely performance under this Agreement to the extent, but only to the extent, such delay is the result of any cause beyond the reasonable control of, and not the result of negligence or the lack of diligence on the part of, the party claiming such excuse from timely performance.
- 10.11 The Contractor shall make Vehicle Accessories, installation, and non-Vehicle Accessories available to other governmental entities on the same terms and conditions as set forth in this Contract. Should any such governmental entity purchase Vehicle Accessories, installation, and non-Vehicle Accessories on such basis utilizing this Contract, the Contractor shall report such purchase to the County and, within thirty (30) days following final payment for each order of such Vehicle Accessories, installation, and non-Vehicle Accessories, shall provide a credit to the County, which can be used toward the purchase of such Vehicle Accessories, installation, and non-Vehicle

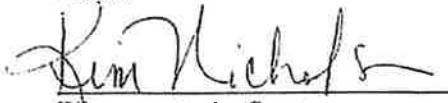
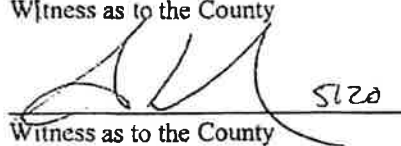
Accessories from the Contractor, in the amount of 1% of the purchase price of such Vehicle Accessories, installation, and non-Vehicle Accessories. This provision shall apply to all purchases initiated during the term of this Agreement, even if such purchase continues and payment is received after the expiration of such term. The contractor may charge this as a transaction fee.

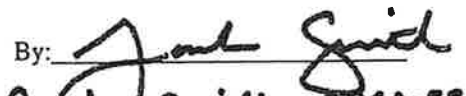
- 10.12 It is understood and agreed that this Contract, including exhibits and references (if any), is the entire Contract between the parties and supersedes all prior oral agreements and negotiations between the parties relating to the subject matter hereof. County and Contractor, by mutual agreement, may change or amend, at their discretion, the products, terms, and conditions of this Contract. All such changes or amendments shall be set forth in a written amendment to this Contract.
- 10.13 If any portion of this Contract, or any Exhibit or portion thereof, is held to be invalid by a court of law, such provision shall be considered severable, and the remainder of this Contract shall be construed and enforced in a manner consistent with the intent of the Parties.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized representatives, effective the date first above written.


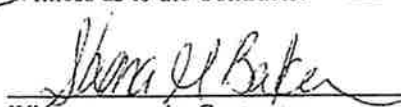
BRADFORD COUNTY, FLORIDA

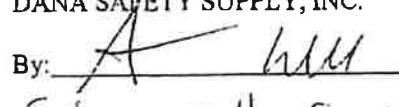
Attest:


Witness as to the County
 5/20
Witness as to the County

By: 
Gordon Smith, SHERIFF
(Type or print name and title of signatory)

DANA SAFETY SUPPLY, INC.


Witness as to the Contractor

Witness as to the Contractor

By: 
Sidney Wells, General Manager
(Type or print name and title of signatory)

Emergency Vehicle Lighting				
Manufacturer	Products Offered	% off MSRP	Master Distributor or Dealer	Warranty
911 Signal	Emergency and commercial vehicle lighting	30%	MD	Up to 5 Years
Able2 Products	Emergency and commercial vehicle lighting	40%	MD	Up to 5 Years
Brooking Industries	Emergency and commercial vehicle lighting	30%	MD	Up to 5 Years
Coda 3	Emergency and commercial vehicle lighting	30%	MD	Up to 5 Years
Q&R Electronics	Emergency and commercial vehicle lighting	15%	MD	Up to 5 Years
ECCO	Emergency and commercial vehicle lighting	30%	MD	Up to 5 Years
Federal Signal	Emergency and commercial vehicle lighting	15%	MD	Up to 5 Years
Fenlex	Emergency and commercial vehicle lighting	30%	MD	Up to 5 Years
Galight	Scene lighting	30%	MD	Up to 5 Years
GoLight	Helios (thermal imaging) and parts / accessories	5%	Dealer	1 Year
Maxxima	Emergency and commercial vehicle lighting	15%	MD	Up to 5 Years
SoundOff Signal	Emergency and commercial vehicle lighting	40%	MD	Up to 5 Years
Star Warning Products	Emergency and commercial vehicle lighting	40%	MD	Up to 5 Years
Unity Spotlights	Scene lighting	50%	Dealer	Limited
Whelan	Emergency and commercial vehicle lighting	41%	MD	Up to 5 Years
Whelan	Parts only	30%	MD	Up to 5 Years
Vehicle Push Bumpers / Prisoner & K9 Transport				
Manufacturer	Products Offered	% off MSRP	Master Distributor or Dealer	Warranty
Acadix / Radiotronics	K9 transport electronics	3%	Dealer	Up to 2 Years
American Aluminum	Prisoner and K9 transport	15%	Dealer	Up to 3 Years
Brooking Industries	Prisoner transport (seats and window bars)	30%	MD	2 Years
Q&R Electronics	K9 Transport, cargo partitions, and window bars	15%	MD	1 Year
Go Rhino	Prisoner transport (partition and window bars) and push bumpers	10%	MD	1 Year
	Prisoner transport (seats)	8%	MD	1 Year
Havis	Prisoner and K9 transport	30%	MD	Up to Lifetime
Ietto Desk	Prisoner transport (partition, seats, window bars)	18%	MD	1 Year
Legume	Prisoner transport (seats and window bars)	18%	MD	Up to 5 Years
Pro-guard Products	Prisoner transport (partition, seats, window bars)	20%	MD	Limited
Prisoner Transport Systems (PTS)	Prisoner transport (partition, seats, window bars)	10%	Dealer	Limited
Ranch Hand	Push bumpers	30%	Dealer	1 Year
Ray Allen	K9 transport electronics	3%	Dealer	Up to 2 Years
Sebm	Prisoner (partition, seats, window bars) and K9 transport and non-lighted push bumpers	20%	MD	Up to 2 Years
Sedna	Lighted push bumpers	10%	MD	Up to 5 Years
Troy Products	Prisoner transport (partition and window bars) and push bumpers	20%	MD	Up to 5 Years
Westin	Push bumpers	10%	MD	1 Year
Vehicle Weapon Mounts & Storage				
Manufacturer	Products Offered	% off MSRP	Master Distributor or Dealer	Warranty
Big Sky Gun Racks	Gun racks	10%	MD	1 Year
CargoGlide	Truck storage access solution	10%	Dealer	Up to Lifetime
Q&R Electronics	Gun racks and storage boxes	15%	MD	1 Year
DECKED	Storage solution for truck bed	15%	Dealer	3 Years
Go Rhino	Gun racks and storage boxes	15%	MD	1 Year
Ietto Desk	Gun racks	18%	MD	1 Year
Lund Industries	Gun racks and storage boxes	10%	MD	Limited
OFS	Storage boxes	15%	MD	Limited
Prisoner Transport Systems (PTS)	Storage boxes	10%	Dealer	Limited
Pro-guard Products	Gun racks and storage boxes	20%	MD	Limited
Rockland	Storage boxes	20%	MD	Limited
Santa Cruz Gun Racks	Gun racks	18%	Dealer	1 Year
Sedna	Gun racks and storage boxes	20%	MD	Up to 2 Years
Satima	Blaze-rac gun racks	0%	MD	Up to 2 Years
Troy Products	Gun racks and storage boxes	15%	MD	Up to 5 Years
Truck Vault	Storage boxes	5%	MD (Exclusive)	Up to Lifetime
Tuffly	Storage boxes	15%	MD	Limited
Tuffloc / Esmet	Storage boxes	10%	MD	3 Years
Computers / Consoles / Docking Stations / Laptop and Tablet Mounts / Printers				
Manufacturer	Products Offered	% off MSRP	Master Distributor or Dealer	Warranty
Brother Mobile Solutions	Printers and accessories	5%	MD	Up to 3 Years
OGit Electronics	Consoles, laptop mounts, docking stations	15%	Dealer	1 Year
Gambler Johnson	Consoles, laptop mounts, docking stations	35%	MD	Up to Lifetime
Havis	Consoles, laptop mounts, docking stations	30%	MD	Up to Lifetime
Havis	Apple related product and ICS (Integrated Control System)	3%	MD	3 Years
HNW Mounts	Consoles, laptop mounts, docking stations	12%	MD	Limited
Ietto Desk	Consoles, laptop mounts, docking stations	18%	MD	1 Year
LEM Solutions	Printer mounts	3%	MD	Limited
Lund Industries	Consoles, laptop mounts, docking stations	10%	MD	Limited
Panasonic	Laptops	5%	Dealer	Up to 3 Years
PMI (Precision Mounting Technologies)	Consoles, laptop mounts, docking stations	15%	MD	Up to Lifetime
Prisoner Transport Systems (PTS)	Consoles	10%	Dealer	Limited
BAM Products	Consoles and laptop mounts	10%	MD	Up to Lifetime
Emuung	Computing devices	5%	Dealer	Up to 3 Years
Troy Products	Consoles, laptop mounts, docking stations	18%	MD	Up to 5 Years
Radar / In-Car Video / LPR / Collision Avoidance / Vehicle Safety				
Manufacturer	Products Offered	% off MSRP	Master Distributor or Dealer	Warranty
Apollo Video	In-car video	5%	MD	3 Years
Decatur Electronics	In-car video and radar	1%	MD	Up to 5 Years
Digital ASV	Body camera and in-car video	2%	MD	Limited
Genetec	LPR	5%	MD (Exclusive)	Up to 5 Years
L3 Mobile Vision / Safe Fleet	In-car video	3%	Dealer	Up to 3 Years
Mobileye	Collision avoidance	5%	MD (Exclusive)	Limited
MPH Radar	Radar	3%	Dealer	Up to 3 Years
Point Blank / Advanced Tech Group	Body camera and in-car video	5%	MD	Limited
Palrol Witness	In-car video	2%	MD	Limited
Reconaw Safety	Back-up camera systems, back-up sensors, 360 systems, mobile DVRs, dash cameras	10%	Dealer	1 Year
Rostra	Back-up camera systems, back-up sensors, 360 systems, mobile DVRs, dash cameras	10%	Dealer	Up to 3 Years
Stalker	Radar	3%	MD	Up to 3 Years

Radar / In-Car Video / LPR / Collision Avoidance / Vehicle Safety (continued)				
Manufacturer	Products Offered	% off MSRP	Master Distributor or Dealer	Warranty
Utility	Body camera and in-car video	3%	Dealer	Up to 5 Years
WatchGuard	Body camera and in-car video	3%	MD	1 Year
Flashlights & Other Lighting				
Manufacturer	Products Offered	% off MSRP	Master Distributor or Dealer	Warranty
Bayco Products	Flashlights	30%	MD	Up to Lifetime
Maglite	Flashlights	30%	MD	Up to Lifetime
Pelican Products	Flashlights and scene lighting	25%	MD	Up to Lifetime
Streamlight	Flashlights	32%	MD	Up to Lifetime
Sure Fire	Flashlights	12%	Dealer	Up to Lifetime
Truck Toppers / Caps				
Manufacturer	Products Offered	% off MSRP	Master Distributor or Dealer	Warranty
A.R.E.	Toppers and tonneau covers	5%	Dealer	Up to Lifetime
BAKFlip	Bed cover	10%	Dealer	Up to 2 Years
Reading	Steel commercial caps	5%	MD	5 Years
Roll n Lock	Bed cover	12%	Dealer	Up to 3 Years
SpaceCap	Transferable fiberglass caps	2%	MD	Up to Lifetime
Bodies / Cranes / Truck Equipment				
Manufacturer	Products Offered	% off MSRP	Master Distributor or Dealer	Warranty
A.R.E.	Toppers and tonneau covers	5%	MD	Up to Lifetime
Buyer's Products	Truck equipment and accessories	18%	Dealer	Up to Lifetime
DeeZee	Truck equipment and accessories	10%	Dealer	Up to Lifetime
KeyStone Automotive	Truck equipment and accessories	10%	Dealer	Varies by Manufacturer
Liftmore Cranes	Service cranes	5%	MD	Up to 3 Years
Maver Distributing	Truck equipment and accessories	10%	Dealer	Varies by Manufacturer
Pellinger	Service cranes	8%	Dealer	Up to 3 Years
Reading	Crate bodies, mechanics bodies, dump bodies, stake / platform bodies, service / utility bodies	5%	MD	Up to 10 Years
Rugby Manufacturing	Dump bodies	5%	MD	Up to 3 Years
Sterling Equipment	Heavy duty push bumpers and headache racks	5%	Dealer	Up to 1 Year
Thieman Tailgates	Liftgates	5%	MD	Up to 1 Year
Venture Cranes	Service cranes	5%	Dealer	Up to 1 Year
Van Storage Equipment				
Manufacturer	Products Offered	% off MSRP	Master Distributor or Dealer	Warranty
Garage Master	Van interior packages, van ladder racks	5%	MD	Up to Lifetime
Legend Fleet Solutions	Van interior floor and wall solutions	5%	Dealer	Limited
Masterack	Van interior packages, van ladder racks, van interior floor and wall liners	15%	MD	1 Year
OPS	Van interior packages	10%	MD	Limited
Western Manufacturing	Van interior packages, van interior floor and wall liners	5%	Dealer	Limited
Footwear / Apparel				
Manufacturer	Products Offered	% off MSRP	Master Distributor or Dealer	Warranty
S-11 Tactical	Apparel, bags, boots, shoes	30%	MD	Up to Lifetime
Blister	Boots and shoes	25%	Dealer	Limited
Blackhawk	Apparel, bags, boots	25%	Dealer	Up to Lifetime
Garner	Boots and shoes	18%	Dealer	Up to 5 Months
Magnum	Boots and shoes	22%	Dealer	1 Year
Propper	Apparel, bags, boots, shoes	25%	MD	Limited
Rocky	Boots and shoes	22%	Dealer	1 Year
Tru-Secc	Apparel, bags, boots	25%	MD	2 Years
DSS Products & Services				
Manufacturer	Products Offered	Pricing	Master Distributor or Dealer	Warranty
DSS Graphics	Design, printing, installation, and removal services	Quoted per job		7 Years
DSS Products	Private label products or role distributor products	15% off MSRP		Varies
DSS Website	www.danasaftysupply.com - All products	5% off MSRP		Varies
Fleet Safety Website	www.fleet-safety.com - All products	5% off MSRP		Varies
Install Rate	Hourly install rate for install and repair services	\$70 per hour		5 Years
Vehicle pick-up and delivery	Calculated based on round trip from DSS location to customer	\$1 per mile		
Body Armor				
Manufacturer	Products Offered	% off MSRP	Master Distributor or Dealer	Warranty
Armor Express	Body armor	30%	MD	5 Years
Onyx	Body armor	15%	MD	5 Years
Point Blank	Body armor	25%	MD	5 Years
Propper	Body armor	20%	MD	5 Years
Duty Gear				
Manufacturer	Products Offered	% off MSRP	Master Distributor or Dealer	Warranty
1773 Gun Leather	Holsters	10%	Dealer	Limited
Goold & Goodrich	Holsters, belts, and accessories	30%	MD	Limited
Meru's Pride	Badges, duty gear, insignia, patches and recognitions	25%	Dealer	Limited
Open Speed Gear	Holsters, belts, and accessories	10%	Dealer	Up to Lifetime
Safariland	Holsters, belts, and accessories	20%	Dealer	Up to Lifetime
Fire Gear & Tools				
Manufacturer	Products Offered	% off MSRP	Master Distributor or Dealer	Warranty
All Fire Products	Hoseless, hoses, and coupling	10%	Dealer	Varies
Fire Ninja	Safety vests, glowstick tracking decals, sub zero cooling towels, and knives	22%	Dealer	Varies
Hotik	Gloves	10%	Dealer	Limited
Knixes	Bunker / turnout gear	5%	Dealer	Limited
Nipala	Fire tools	30%	MD	Up to Lifetime
Full Line Supplier of Other Items				
Manufacturer	Products Offered	% off MSRP	Master Distributor or Dealer	Warranty
Aerosec	LED flares	20%	Dealer	Up to 5 Years
Aerosec	Fire extinguishers	10%	MD	Up to 12 Years
Angel Armor	Vehicle driver window armor	5%	Dealer	5 Years
ASP	Stems, flashlights, handcuffs	20%	MD	Up to Lifetime
Avon Protection	First responder Core Products (includes gas masks, etc and Accessories / Sources	5%	MD	Varies
Blackinton	Badges, insignia, and recognitions	20%	MD	Up to Lifetime
Combined Tactical Systems (CTS)	Less lethal munitions	6%	MD	Limited
Edge Tactical	Protective and ballistic equipment	10%	MD	Limited
Garrett Metal Detectors	Walk thru and hand metal detectors	5%	MD	Up to 2 Years
Nite Track	Night vision	5%	MD	1 Year

Full Line Supplier of Other Items				
Manufacturer	Products Offered	% off MSRP	Master Distributor or Dealer	Warranty
Haptic	Vehicle mounted thermal imaging	5%	Dealer	3 Years
Pac Kit	First aid kits	20%	Dealer	Limited
Panorama Antennas	Antennas for vehicle mounting	10%	MD	Limited
Sabre	Less lethal	34%	MD	Up to 3 Years
SIG Sauer	Handguns, rifles, scopes, sights, ammunition	5%	MD (Exclusive)	Up to Lifetime
Simunitions	Non-lethal training ammunition	5%	MD	Up to 5 Years
Stichle	Forensic, vehicle, evidence, and surveillance solutions	5%	MD	Up to Lifetime
Smith & Warren	Badges, insignia, and recognitions	10%	MD	Up to Lifetime
Theon	Night vision	10%	MD	Up to 10 Years
Tremco	Vehicle anti-theft system	10%	MD	Limited
Wanco	Arrow board, light tower, message sign, and speed signs	3%	MD	Up to 5 Years
Zoll	AED	15%	MD	Up to Lifetime
Zoll	AED accessories	10%	MD	Up to Lifetime
Vehicles				
Manufacturer	Products Offered	% over Cost	Master Distributor or Dealer	Warranty
Chevrolet	Chevrolet line of vehicles	4%	Dealer	3 Years / 36K Miles
Dodge	Dodge line of vehicles	4%	Dealer	3 Years / 36K Miles
Ford	Ford line of vehicles	4%	Dealer	3 Years / 36K Miles

8-8-23
Amendment



August 7, 2023

Dana Safety Supply, Inc.
561 Stevens St
Jacksonville, Fl. 32254

Re: Amendment #2 to Contract No. BCSO2019-01

Dear Sir:

Enclosed are contract amendment documents for the above project which should be executed by your company and returned within five (5) consecutive calendar days from date of receipt.


Contracts must be executed by a corporate officer or an individual with signature authority. That signature should be properly attested or witnessed. Please indicate corporate position held by the individual executing the contract.

Please return signed contracts to the following address;

Bradford County Sheriff's Office
Attn: Major George Konkel
945-B North Temple Ave.
Starke, Fl. 32091

You will be furnished a fully executed copy of the document after all signatures have been affixed. If you have any questions or need assistance in completing the enclosed, please contact me at (904)966-6306.

Thanks,


Major George L. Konkel Jr.
Chief of Operations
Bradford County Sheriff's Office
945-B North Temple Ave.
Starke, Fl. 32091
Office (904)966-6306

Amendment to Contract No. BCSO2019-01

This Amendment to Contract is entered into this 7th day of October, 2023, by and between the **Bradford County Sheriff's Office** and **Dana Safety Supply, INC.** hereinafter called the "Contractor".

Whereas, the Bradford County Sheriff's Office and the Contractor enter into a certain Contract dated this 12th day of July, 2019 relating to the furnishing of certain light systems and components; aftermarket vehicle accessories, and public safety / emergency vehicle equipment and other equipment not related to vehicle equipment (BCSO2019-01), hereinafter called the "Contract"; and,

Whereas, the parties now desire to amend the contract as set forth in this amendment;

Now, therefore, in consideration of the following mutual covenants and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. To add the following under the DSS Products and Services section;

Galco Holsters - Holsters, belts, and leather gear
20% off MSRP, Dealer, 1yr warranty

Strong Leather - Badge Holders and Wallets
10% off MSRP, MD, 1 yr warranty

FN - Handguns and Rifles
5% off MSRP, MD, Limited

Walther - Handguns
5% off MSRP, MD, Limited

Page 1 of 3

Alien Gear/Rapid Force - Holsters

15% off MSRP, MD, Lifetime

**RTS Tactical - Ballistic Shields, Ballistic White Boards - Other Armor -
IFAK Kits**

19% off MSRP, MD, 2-5 years

Team Wendy - Ballistic and Bump Helmets

10% off MSRP, MD, 5-10 years

Slate Solutions - Body Armor, Ballistic Shields, Helmets, Hard Plates

10% off MSRP, MD, 5 years

Bergara - Precision Rifles

5% off MSRP, MD, Limited Lifetime

Precision Weapons Systems - Rifles

5% off MSRP, MD, Limited Lifetime

Under Armor - Apparel, Footwear

15% off MSRP, MD, Limited

ISBI – BALLISTIC GLASS

5% OFF MSRP

UTILITY – IN-CAR VIDEO/BODY CAM

5% OFF MSRP

LEER – TOPPERS

5% OFF MSRP

G9 Defense: Ammunition

12% off MSRP

North American Resue

5% off MSRP

Solar Tech

3% off MSRP

2. This agreement becomes effective August 8th, 2023.
3. Except as specifically amended hereby, the terms and conditions of this Contract shall continue in full force and effect.

In Witness Whereof the Bradford County Sheriff's Office and Contractor have caused this Amendment to Contract to be executed by the authorized representatives effective the date and year first written above.

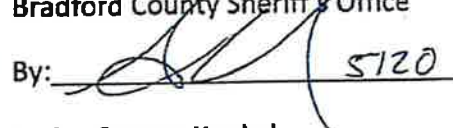
Attest:



Kim Nichols

Bradford County Sheriff's Office

By:



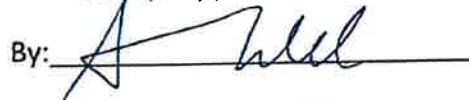
Major George Konkell



Witness as to Contractor

Dana Safety Supply, Inc.

By:



Sidney Wells, Regional GM

AMENDMENT TO CONTRACT NO. BCSO2019-01

THIS AMENDMENT TO CONTRACT is entered into this 19 day of August, 2019, by and between the BRADFORD COUNTY SHERIFF'S OFFICE and DANA SAFETY SUPPLY, INC. hereinafter called the "Contractor".

WHEREAS, the Bradford County Sheriff's Office and Contractor entered into a certain Contract dated July 12, 2019 relating to the furnishing of certain light systems and components; aftermarket vehicle accessories, and public safety / emergency vehicle equipment and other equipment not related to vehicle equipment (BCSO2019-01), hereinafter called the "Contract"; and,

WHEREAS, the parties now desire to amend the contract as set forth in this amendment;

NOW, THEREFORE, in consideration of the following mutual covenants and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. To add the following

a. Under the DSS Products & Services section, add the following:

DSS Products & Services			
Manufacturer	Products Offered	Pricing	Warranty
On Site Service & Maintenance	Hourly rate for non-warranty maintenance and repair services performed on-site	\$85 per hour	5 Years

2. This agreement becomes effective Aug. 19, 2019.

3. Except as specifically amended hereby, the terms and conditions of the Contract shall continue in full force and effect.

IN WITNESS WHEREOF the Bradford County Sheriff's Office and Contractor have caused this Amendment to Contract to be executed by the duly authorized representatives effective the date and year first written above.


ATTEST:



BRADFORD COUNTY SHERIFF'S OFFICE

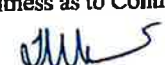
BY:  5120
Captain George Konkell

DANA SAFETY SUPPLY, INC.

BY: 

Sidney Wells, General Manager
(Type or Print Name and Title of Signatory)

Rosal Wells
Witness as to Contractor


Witness as to Contractor



March 1, 2023

Contract Addendum No. 1, Contract BCSO 22-27-1.0

Piggyback provision for Governmental entities outside the State of Florida.

The Bradford County Sheriff's Office hereby gives permission to *Governmental Entities* [RFP: page 3 section C], outside the State of Florida, to participate in the use of this contract for the procurement of Automotive products from the contract's awarded dealers; subject to manufacturer availability, and dealer approval. It is the responsibility of the purchasing entity to comply with the procurement laws and procedures within that state. It is also understood that the dealer, upon acceptance of agency-purchase-order is held to the conditional-terms identified within that state releasing the Bradford County Sheriff's Office from liability associated with non-performance. Furthermore, per the contract, section D, page 2, it is the responsibility of the performing dealer to provide necessary evidence of insurance at the agency's request.

If you have any questions or concerns, please call anytime.

Major George L. Konkel Jr.
Chief of Operations
(904)966-6306 Office

Closing/settlement fees.
8 All bids must state the net amount expected to be paid to the seller. Sealed bids will be received until 12:00pm. on Thursday, June 20th, 2019 at Starke City Hall, located at 209 North Thompson Street in Starke, Florida.

6/6 2tchg 6/13-BCT

NOTICE

The Bradford County School Board will hold a Public Hearing on July 8, 2019 at 5:30 P.M. on the 2019-2020 Pupil Progression Plan Grades K-5, Grades 6-8 and Grades 9-12. The 2019-2020 Code of Conduct for Elementary and Secondary, Dropout Prevention Plan and New / Updated Board Policies #3.16 Charter Schools #4.15 District and Statewide Assessment Program #4.21 Home Education Program. The Public Hearing will be held in the Board Room at 501 West Washington Street Starke, FL 32091. Immediately following the Public Hearing will be the Regular School Board Meeting for July 8, 2019. The items listed above will be on the agenda for approval.

6/6 5tchg 7/4-BCT

NOTICE

The Bradford County Sheriff's Office requests proposals for installation of lighting systems, aftermarket and specialty equipment for the Fleet Management Division. For details please contact Captain George Konkel. The deadline for submissions is June 17, 2019.

6/6 1tchg-BCT

NOTICE OF SALE

Notice is hereby given that pursuant to the Florida Self Storage Facility Act Statutes (Section 83.801 - 83.809); Santa Fe Storage of Starke will sell for cash to the highest bidder on storageauctions.com for location at 1630 North Temple Ave, Starke, County of Bradford, FL, at 2:00 pm on Wednesday, the 19th day of June, 2019: the household goods and misc. contents of the following:
A007 MELLISA D WYNN
C004 JAKIA D BARR
I045 RONALD G SHETLER JR.
J078 KENDALL E HOPGOOD

6/6 2tchg 6/13-BCT

NOTICE OF SALE

Notice is hereby given that pursuant to the Florida Self Storage Facility Act Statutes (Section 83.801 - 83.809); Santa Fe Storage of Waldo. Will sell for CASH to the highest bidder on Storageauctions.com. For location at 15540 NE HWY 301, Waldo, County of Alachua, Florida, ending at 2:00 PM on Wednesday, the 19th day of June 2019, the household goods and misc. contents of the following:

8018 SHELBY NICOLE
8019 SHELBY NICOLE

6/6 2tchg 6/13-BCT

B-sect Legals 6.6.19

BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA NOTICE OF ADOPTION OF RESOLUTION CLOSING AND ABANDONING ROADWAY

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Bradford County, Florida, at a duly advertised public hearing held on Monday, May 6, 2019, at 9:30 A.M. and pursuant to the authority provided by Chapter 336, Florida Statutes, exercised its authority to close and abandon a short portion of the roadway known as S.E. 20th Avenue which runs across and through Parcels 06055-0-00100, 06055-0-00000 and 06054-0-00000 in Bradford County, Florida by the adoption of Resolution 2019-25. A copy of Resolution 2019-25 may be obtained by any member of the public at the Office of the County Clerk, located at 945 North Temple Avenue, Starke, Florida, during regular business hours (Monday through Friday, exclusive of holidays, from 8:00 A.M. to 5:00 P.M.).

6/6 1tchg-B-sect

BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Bradford County, Florida shall hold a public hearing on Thursday, June 20, 2019 at 6:30 P.M., or as soon thereafter as the matter may be heard, in the Board of County Commissioners Chambers at the Bradford County Courthouse, located at 945 N. Temple Avenue in Starke, Florida, to consider the exercise of its authority pursuant to Chapter 336, Florida Statutes, to close and abandon that certain portion of Jackson Street lying south of Canova Street (East One-Half) as per the Lakeside plat, recorded in Plat Book 2, Page 24 of the Public Records of Bradford County, Florida.

Copies of materials related to this public hearing may be obtained by any member of the public at the Office of the County Clerk, located at 945 North Temple Avenue, Starke, Florida, during regular business hours (Monday through Friday, exclusive of holidays, from 8:00 A.M. to 5:00 P.M.). On the date, time and place first above mentioned, all interested persons may appear and be heard with respect to this matter.

The public hearing may be continued to one or more future dates. Any interested party shall be advised that the date, time and place of any continuation of the public hearing shall be announced during the public hearing and that no further notice concerning the matter will be published.

All persons are advised that, if they decide to appeal any decision made at the public hearing, they will need a record of the proceedings and, for such purpose, they may need to ensure that a verbatim record of the

proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities who require assistance to participate in the meeting are requested to notify the Clerk of the Court, Bradford County Courthouse, Starke, Florida, 904-966-6280 at least two business days in advance; if you are hearing or voice impaired call 1-800-955-8771.

6/6 2tchg 6/13-B-sect

BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Bradford County, Florida shall hold a public hearing on Thursday, June 20, 2019 at 6:30 P.M., or as soon thereafter as the matter may be heard, in the Board of County Commissioners Chambers at the Bradford County Courthouse, located at 945 N. Temple Avenue in Starke, Florida, to consider the exercise of its authority pursuant to Chapter 336, Florida Statutes, to close and abandon that certain portion of Jackson Street lying south of Canova Street (West One-Half) as per the Lakeside plat, recorded in Plat Book 2, Page 24 of the Public Records of Bradford County, Florida.

Copies of materials related to this public hearing may be obtained by any member of the public at the Office of the County Clerk, located at 945 North Temple Avenue, Starke, Florida, during regular business hours (Monday through Friday, exclusive of holidays, from 8:00 A.M. to 5:00 P.M.). On the date, time and place first above mentioned, all interested persons may appear and be heard with respect to this matter.

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6/6 2tchg 6/13-B-sect

BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA NOTICE OF ENACTMENT OF ORDINANCE



Morristown City Council Agenda Item Summary

Date: September 19, 2023

Agenda Item: Acknowledge receipt of bids for the Equipment Trailer, accept the bid from Smokey Mountain Trailer Outlet as the best and lowest bid, and authorize a one-time purchase of the Equipment Trailer totaling \$30,818.83.

Prepared By: Jeanna Vanek

Subject: Equipment Trailer

Background: On August 16, 2022, the City Council approved a one-time purchase of a bobcat from Bobcat of Knoxville under statewide contract #225. The Public Works Fleet Maintenance Department would like to purchase the equipment trailer to load and haul the bobcat more easily. The trailer has multiple functions and can haul/load other equipment and vehicles as well. The trailer can be pulled by an employee with either a Class A license or a class A with trailer endorsement.

Findings/Current Activity:

The City issued a request for bids, which was advertised twice in the Citizen Tribune, on the city's website and on Vendor Registry. We received one (1) response from Smokey Mountain Trailer Outlet.

Financial Impact:

FY 24 budget provides for the purchase of this equipment.

Total Cost = \$30,818.83

Action options/Recommendations:

Acknowledge bids, accept the bid from Smokey Mountain Trailer Outlet, and authorize the one-time purchase of equipment totaling \$30,818.83.

Attachment: Bid tabulation

**Equipment Trailer
BID TAB
September 12, 2023**

Vendor	Total Price
Smokey Mountain Trailer Outlet	\$30,818.83



PROGRAM YEAR 2022 CAPER PROGRAM ACCOMPLISHMENTS

The City of Morristown's 2022 Consolidated Annual Performance and Evaluation Report (CAPER) covers the timeframe of July 1, 2022 to June 30, 2023.

The CAPER presents the City's progress in carrying out projects and activities according to the Program Year (PY) 2022 Annual Action Plan for the Community Development Block Grant (CDBG) and Community Development Block Grant CARES (CDBG-CV) funds received from the United States Department of Housing and Urban Development (HUD) to principally benefit low-to-moderate-income individuals in the City. The City of Morristown identified the following goals as listed in its 2022 Annual Action Plan:

GOALS	DESCRIPTION
Public Facility & Infrastructure Improvements	Assist municipality in providing safe, vibrant, and functional communities for citizens by providing needed improvements.
Homeowner Rehabilitation & Emergency Repair	Rehabilitation of owner-occupied single-family homes to preserve existing housing and maintain affordability for very low, low, and moderate-income homeowners.
Economic Development Business Façade Program	Assist local for-profit businesses in rehabilitation of buildings.
Public Services	Provide needed social services to citizens inside the city limits.
Administration & Planning	Grant management, undertaking planning projects, and other eligible administrative tasks.

Program Accomplishments

The City of Morristown expended a total of **\$418,115.57** in CDBG and CDBG-CV funding during the 2022 program year. The City expended \$292,247.57 in CDBG funds and \$125,868.00 in CDBG-CV funding. Below is a summary of the City's 2022 expenditures and accomplishments.

GOALS	EXPENDITURES	ACCOMPLISHMENTS
Affordable Housing		
<i>Homeowner Rehabilitation & Emergency Repair</i>	\$113,913.74	12
Public Service Grants	\$35,000.00	3,325
Public Service Grants – CDBG-CV	\$125,868.00	
Public Facilities	\$28,764.00	1
Economic Development - Business Façade Program	\$63,355.75	8
Administration & Planning CDBG	\$51,214.08	1
TOTAL	\$418,115.57	3,347



Program Year 2022

Consolidated Annual Performance Evaluation Report

(July 1, 2022 through June 30, 2023)

Community Development Block Grant

City of Morristown
100 W 1st North Street
Morristown, TN 37814



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CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan.

91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

In accordance with CDBG Federal Regulations at 24 CFR 570, the City of Morristown has prepared this Consolidated Annual Performance and Evaluation Report (CAPER) from July 1, 2022, to June 30, 2023. The CAPER presents the City's progress in carrying out projects and activities under the Program Year (PY) 2022 Annual Action Plan for the Community Development Block Grant (CDBG) and Community Development Block Grant CARES (CDBG-CV) funds received from the United States Department of Housing and Urban Development (HUD) to principally benefit low-to-moderate-income individuals in the City.

The 2022 CAPER describes and evaluates how the City invested formula funds from HUD to meet affordable housing and community development needs. This annual report also provides a general assessment of the City's progress in addressing the priorities and objectives contained in its Five-Year 2019-2024 Consolidated Plan (Con Plan). The 2022 CAPER, the 2022 Annual Action Plan and other pertinent documents may be accessed through the City's website at https://www.mymorristown.com/departments/cdbg_and_housing/index.php.

All HUD-funded activities must fit within the Outcome Performance Measurement Framework to provide standardized measurements nationwide. The framework is detailed in the City's Consolidated Plan and consists of a matrix of three objectives (decent housing, suitable living environment, and economic opportunity) and three outcomes (availability/accessibility, affordability, and sustainability). In addition to the goals and objectives at the national level that compose the Outcome Performance Measurement Framework, the City has established goals and objectives at the programmatic level for individual projects to facilitate year end evaluation.

CDBG Highlights

The City of Morristown received **\$329,143.00** in CDBG funding in program year 2022. The City expended a total of **\$292,247.57** for the following CDBG eligible activities: homeowner rehabilitation (**\$113,913.74**), public service activities (**\$35,000.00**), public facility improvements in low and moderate income areas (**\$28,764.00**), façade program (**\$63,355.75**), and general administration (**\$51,214.08**).

CDBG-CV Highlights

As a result of the pandemic, the City received **\$415,976.00** in CDBG-CV funding. During the 2022 program year, the City expended a total of **\$125,868.00** in CDBG-CV funding.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Assist in Economic Development	Non-Housing Community Development	CDBG: \$ / Local Business Owners: \$63,355.75	Businesses assisted	Businesses Assisted	40	40	0.00%	8	8	100.00%
Provide Homeowner Rehabilitation	Affordable Housing Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$113,913.74	Homeowner Housing Rehabilitated	Household Housing Unit	50	50	0.00%	10	12	120.00%
Provide Public Services	Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$35,000.00	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	2,000	3,611	180.55%	3,000	3,325	110.83%
Planning & Administration	Non-Housing Community Development	CDBG: \$51,214.08	CDBG Planning & Administration	Households Assisted	1	1	1	1	1	100%
Public Facilities and Improvements	Non-Housing Community Development	CDBG: \$28,764.00	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1000	1000	100%	1000	1000	100%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The City continues to meet its stated goals and objectives from the Action Plan and the Consolidated Plan. During FY2022, the City accomplished the following activities:

- Assisted 12 low-income households with Emergency Home Repair Assistance
- Provided financial assistance to Morristown-Hamblen Central Services to improve health care services for low-income households.
- Conducted public facility improvements for the Rose Center
- Provided financial assistance to small businesses located within the Downtown Core neighborhood or South Cumberland St./Buffalo Trail Road areas.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG
White	3,086
Black or African American	239
Asian	0
American Indian or American Native	0
Native Hawaiian or Other Pacific Islander	0
Total	3,325
Hispanic	486
Not Hispanic	2,839

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

The table above lists the numbers of beneficiaries by race and ethnicity assisted with HUD-Funded programs in 2022. The numbers reported for ethnicity do not reflect the exact count as the total number reported by race. The variances could be attributed to the refusal of information, errors at intake or unwillingness to share information about ethnicity and race.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	\$329,143	\$292,247.57
CDBG-CV	public - federal	\$415,976	\$125,868
Other	Private	\$59,372	\$59,372

Table 3 - Resources Made Available

Narrative

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
City Limits	80	80	Citywide

Table 4 – Identify the geographic distribution and location of investments

Narrative

The City recognized geographic regions with populations in need of affordable housing options. These areas include Census Tracts 070100, 100100, 100200, 100300, 100400, 100600, and 101100. These areas have a dense population of low to moderate income families and minority concentrations.

2022 HUD LOW MOD SUMMARY DATA						
CDBGNAME	COUNTYNAME	TRACT	BLKGRP	LOWMOD	LOWMODUNIV	LOWMODPCT
Morristown	Jefferson County	070100	5	370	685	54.01%
Morristown	Hamblen County	100100	3	840	1,375	61.09%
Morristown	Hamblen County	100100	2	760	985	77.16%
Morristown	Hamblen County	100200	2	1,050	1,510	69.54%
Morristown	Hamblen County	100300	2	1,315	1,885	69.76%
Morristown	Hamblen County	100300	1	780	1,025	76.10%
Morristown	Hamblen County	100400	2	925	1,745	53.01%
Morristown	Hamblen County	100400	3	520	850	61.18%
Morristown	Hamblen County	100400	1	535	670	79.85%
Morristown	Hamblen County	100600	5	390	750	52.00%
Morristown	Hamblen County	100600	4	750	1,360	55.15%
Morristown	Hamblen County	101100	1	410	745	55.03%

<https://www.hudexchange.info/programs/acs-low-mod-summary-data/acs-low-mod-summary-data-summarized-block-groups/>

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Although, the CDBG program does not require matching funds, CDBG funds are typically leveraged through various private and public sources for the CDBG projects undertaken in 2022. The City's federal funds were leveraged through the Façade Program as property owners were required to contribute 50% of the renovations costs for each project performed. The City of Morristown also leveraged CDBG funds with American Rescue Plan Act (ARPA) funds received for facility renovations at the Rose Center.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	50	50
Number of Special-Needs households to be provided affordable housing units	0	0
Total	50	50

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	10	12
Number of households supported through Acquisition of Existing Units	0	0
Total	10	12

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The City exceeded its one-year goal for providing assistance to emergency rehab assistance to low income homewoners.

Discuss how these outcomes will impact future annual action plans.

Future Annual Action Plans will provide additional information on program changes that are in development as the City continues to determine the needs of residents. The outcomes of the annual goals, as stated in the Annual Action Plan/Consolidated Plan, are aimed at creating the opportunity for economic development for small businesses, providing homeowners with emergency housing assistance, sewer lateral repairs and tap fee assistance, and demolition and clearance activities. The City will also continue to provide public facility improvements in low income areas and fund public service activities for low income households.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine

the eligibility of the activity.

Number of Households Served	CDBG Actual
Extremely Low-income	1,884
Low-income	1,813
Moderate-income	114
Total	3,811

Table 7 – Number of Households Served

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through: Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Morristown works closely with the Tennessee Valley Continuum of Care (TV CoC) Homeless Coalition members to address service needs and enhance coordination among local service providers to address homelessness and the priority needs of homeless individuals and families, including homeless subpopulations. The TV CoC and area service providers work collaboratively in the community to provide comprehensive mainstream services for homeless persons. The CoC includes the following 12 counties: Anderson, Campbell, Claiborne, Union, Grainger, Hamblen, Jefferson, Loudon, Monroe, Blount, Sevier, and Cocke.

This partnership includes collaborative efforts of a variety of community groups, government agencies, and a coalition of several homeless service providers. These organizations provide many services to their clientele, including but not limited to counseling, case management, life skills training, financial literacy classes, and victim advocacy, all of which help residents to develop the skills and knowledge to transition into permanent supportive housing or independent living and to maintain steady employment. The ultimate goal of providing supportive services is self-sufficiency.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of Morristown provides financial assistance to the TV CoC for the data management of the Homeless Management Information System (HMIS). This web-based system tracks services provided to homeless persons. The City will continue to support the increasing housing options and self-sufficiency need of those that are homeless and at risk of homelessness by providing funding supportive service activities for homeless families and individuals, including those recently released from institutions.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Public systems or institutions (i.e., jails, prisons, hospitals, child welfare, mental health facilities, etc.) often release individuals directly into homelessness. The Homeless Coalition coordinates release between the foster care system, health care, mental health care, and correctional facilities. A centralized intake is in place that seeks to mediate/prevent homelessness whenever possible, reduce the homeless episode for families through rapid rehousing and shelter/transitional housing focused on moving families from homelessness to permanent housing as soon as possible, and permanently house the most vulnerable families, as resources are available.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City coordinates its homeless activities to prevent individuals and families from becoming homeless and help individuals/families regain stability in current housing or permanent housing through local nonprofit organizations.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The Morristown Housing Authority manages 652 units of public housing to include expanded offerings of 186 Housing Choice Vouchers. The Housing Authority also manages 322 moderate rehabilitation and new construction vouchers. The MHA PHA plan is consistent with, and a part of, the City of Morristown's Consolidated Plan. The Morristown Housing Authority has been proactive in maintaining existing units throughout the year. This year, the MHA started new HVAC installations, electrical upgrades, roof replacements, and water heater and range replacements at the TN038-005 location and a roof replacement at TN038-007 location. The MHA has also allocated funds for Waterline/Sewerline replacements and foundation repairs PHA-wide.

The Housing Authority also continues to partner with various partners to offer services to the residents of the housing authority. These partnerships include:

- Central Services – provides free medical clinic to residents
- Community Care Program – provides daily activities for elderly and disabled residents
- AVISTA Utilities – community building activities for residents.
- The City of Morristown's Parks & Recreation Department offers a program to encourage the children within the housing authority to become more involved with sports.
- The Morristown Police Department provides a police officer onsite for at least forty (40) hours per week for which the Morristown Housing Authority provides a portion of the costs and an onsite office.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The City of Morristown helps to ensure that MHA conducts the following actions:

- Recognizes residents as the customer;
- Improves PHA management and service delivery efforts through effective and efficient management of PHA staff;
- Seeks problem solving partnerships with residents, community, and government leadership.
- Applies PHA resources to the effective and efficient management and operation of public housing programs, taking into account changes in Federal funding.

The Housing Authority has a Resident Advisory Board (RAB), and a program participant serves on the Board of Commissioners. Regular meetings are held with the RAB to seek their input on capital needs and the overall annual plan for the Housing Authority. The MHA conducts regular resident meetings to get feedback on upcoming changes because of the RAD conversion.

Actions taken to provide assistance to troubled PHAs

The Morristown Housing Authority is a high performer and not a troubled PHA.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The City of Morristown participated in the Lakeway Continuum of Care and the Tennessee Valley Coalition to End Homelessness. Participation in these coalitions allows the City to remain abreast of current needs of underserved populations. The City contributed financially to the following programs that specifically address the needs of the homeless: Ministerial Association Temporary Shelter (MATS), CEASE (Domestic Violence & Sexual Assault), Youth Emergency Shelter, Daily Bread, and Breath of Life men's shelter (BoL).

The City of Morristown will continue to help homeless persons and those at risk of becoming homeless by supporting local agencies that provide the necessary services; support case management, housing counseling, and job training for homeless, and those at risk of becoming homeless, individuals and families. This year, the City supported Morristown-Hamblen Central Services and the TVCH HMIS tracking services program.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City of Morristown addressed the hazards of lead-based paint in any activity receiving HUD funding in compliance with the prescribed regulations and for the health, safety, and welfare of our citizens. The City began working with a certified lead-based paint inspector to ensure that all projects undertaken will be properly inspected, assessed and the problem addressed.

Housing Rehabilitation programs and modernization of public housing units by the Morristown Housing Authority will continue to abate lead-based paint as it is encountered. Each unit rehabilitated by the City will be assessed for existing and potential lead-based paint hazards by a licensed inspector. Each project will be assessed, and the proper action taken, whether it is encapsulation or abatement.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

The City's primary tools to address poverty are limited to industrial recruitment, tax policies, social service programs, housing assistance, and economic development/enhancement programs. These programs, combined with police and fire protection, and the construction and maintenance of city streets, parks, and utilities, help create an environment conducive to having a good quality of life.

By partnering with local non-profit organizations, public services, and private agencies, the City of Morristown seeks to provide its citizens with numerous opportunities to gain the knowledge, skills, and motivation to become self-sufficient. The City will continue to support, through resources and partnerships, the development of affordable, decent, safe housing, rental assistance, homeless

prevention/shelter, emergency food/funds, counseling, health services, and transportation.

The City of Morristown's Anti-Poverty goal is to reduce the number of families living in poverty. The objectives used to meet this goal involve rehabilitation of housing, infrastructure improvement, utility tap fees, and redevelopment of existing vacant land and/or structures in low, low/moderate, and very low income areas of the City. Programs are coordinated with Morristown Housing Authority's comprehensive grant program to provide rental units for low income, elderly, and handicapped families. Additionally, the City coordinates with local agencies utilizing ESG and other grant funds to increase the amount and quality of emergency shelter services for the homeless.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City of Morristown, through its Department of Community Development and Planning, is the lead entity for implementing the 2022 Action Plan. The Department worked closely with other city departments in the City government, particularly Building & Codes, Finance, Planning & Engineering, Parks & Recreation, Police and Transit. The Department of Community Development and Planning also worked closely with the Morristown Housing Authority on several projects.

The Morristown City Council appoints the Morristown Housing Authority's (MHA) board members. MHA follows HUD procurement guidelines for all contracting and procurement. Any perceived gaps in institutional structure will be addressed by involving more agencies in the planning process.

In addition to its partnerships with public service subrecipients that assist the City in the implementation of the Consolidated Plan, the Department also has strong working relationships with community organizations that serve the underserved community.

Lastly, the Knoxville HUD office provides advice and assistance with statutory and regulatory requirements, technical assistance, and training for the CDBG entitlement program for the City of Morristown staff and officials. The HUD office also helps with marketing and outreach efforts to promote community development, fair housing, and affordable housing in the region.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The City partners with the Morristown Housing Authority and other non-profits to provide assistance and needed programs to their residents through Stepping Out Ministries. Stepping Out is a faith-based program which targets low-income residents to offer job training and other necessary services. The Housing Authority's partnership with Central Services provides a free medical clinic to residents while the Community Care program helps with the day-to-day activities of the elderly and disabled. AVISTA and the Housing Authority have also combined to offer additional community building activities for residents. The City and MHA continued to partner on the City's Parks and Recreation sports encouragement program and the onsite officer at public housing locations.

The City of Morristown assists in the provision of housing options and other services for persons with

special needs, including the elderly and helps to improve the safety and livability of local neighborhoods. The City also assists in the provision of affordable housing options and the prevention of homelessness for individuals with HIV/AIDS. The City strives to enhance coordination between public and private housing and social service agencies. This is accomplished through the following activities;

- Provide assistance for accessibility alterations for existing homeowner occupied housing.
- Provide assistance to special needs residents with the maintenance of their property.
- Support public facilities for persons with special needs including the elderly.
- Provide financial assistance for the improvement of public facilities.
- Provide Codes enforcement activities to address property maintenance issues, especially in targeted areas to foster and maintain affordable housing.
- Support infrastructure improvements that provide safety, accessibility, and connectivity.
- Test for lead based paint in all CDBG/HOME assisted units.
- Foster relationships between public and private housing and social service agencies through partnerships and regulations.
- The City funds many of the relevant non-profits annually out of its general fund; therefore, it can effect/promote the relationships mentioned above.
- Track and identify complaints of underserved needs in order to develop performance measures.
- Support facilities that assist persons with HIV/AIDS in finding and/or keeping affordable housing.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City of Morristown's Planning Department staff provide support to the Planning Commission which addresses development concerns within the City of Morristown. Part of this task is to evaluate the barriers to affordable housing within the city. This committee forms recommendations regarding city regulations, ordinances, and policies to help foster and maintain affordable housing.

The City of Morristown promoted affordable housing and increased homeownership by supporting/working with the Morristown Housing Authority, the Lakeway Area Habitat for Humanity, and Douglas Cherokee Economic Authority. The city also has the objectives related to affordable housing as listed below:

The City has made significant changes in the Zoning Ordinance of Morristown to encourage and promote affordable housing. More specifically,

- R-1 zones, traditionally for single-family homes, allow for group homes. This expands group homes into 4 different accepted zones.
- Zone RD-1 was changed from "moderate density" zone to a "small lot" zone. According to the Zoning Ordinance, "The purpose of the small lot single-family residential district is to allow for increased flexibility in the design of new residential development in a manner that increases housing choices for residents, utilizes land resources efficiently, and ensures a high-quality neighborhood." In this same zone, the minimum lot width was reduced from 80ft to 50ft; minimum side yard width from 10-15ft to 8ft; and minimum lot area from

12000 square feet to 5500 square feet.

- Zone R-2, changes were made to simplify minimum lot area restrictions for multifamily dwellings to an even 14500 square feet; before they were structured by number of units within the dwelling.
- Zone R-3 reduced minimum lot sizes to 5500 square feet for a single-family dwelling, 11000 square feet for a two-family, and multifamily dwellings from 20 units/acre to 11.3. It is too soon to determine the effects of these changes but these measures typically result in lower costs to develop affordable housing.

The City also supported housing counseling services for low- and moderate-income residents, provided housing opportunities for first-time homebuyers, and supported affordable housing opportunities for very low-income renters.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City of Morristown is responsible for monitoring the CDBG funds that it receives from HUD. As a recipient of CDBG entitlement funds, the City of Morristown is required to follow the applicable laws and regulations of the program. The City of Morristown staff and officials view monitoring as an opportunity to assure compliance while promoting HUD's national objectives. The City's CDBG Coordinator will monitor activities daily and meet with Development staff weekly. Staff have sought out and completed training on CDBG, IDIS, lead paint regulations, sub-recipients, fair housing, HOME grants, and performance measures.

In addition to the measures of ensuring compliance with program and comprehensive planning, Morristown Community Development has developed a local performance measurement system as per HUD's guidance. Morristown's performance measurement system is simply an organized process for gathering information to determine how well programs and projects are meeting identified Consolidated Plan needs, then using that information to improve performance and reporting as well as better target limited resources. This system is crucial to the management of Morristown's CDBG and future HOME funds to ensure the limited resources are maximized and projects/programs are not only productive, they are properly documented and reported.

Monitoring of the Community Development program includes, but is not limited to, the following: Five year consolidated plan completion, annual action plan completion, citizen participation plan compliance, consolidated annual performance review, federal expenditure timeliness compliance, quarterly federal cash transaction reports, semi-annual labor department standards report, annual minority business enterprise reports, annual section 3 compliance reports, monthly fair housing compliance, federal Integrated Disbursement and Information System compliance, Title VI compliance, CDBG certification, IT security, GAO reporting, and daily project review.

Monitoring of Community Development projects require, but is not limited to, the following:

Environmental Review, financial reporting, Davis-Bacon Wage rate compliance, federal and local regulatory compliance, equal opportunity/fair housing regulations compliance, HUD national objective compliance, HUD performance measurement framework, contractor review/compliance, sub-grantee monitoring, eligibility requirement monitoring, LMI and federal regulations compliance, lead paint review, and energy star/green building review.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The City of Morristown's Citizen Participation Plan meets HUD's requirements referenced at 24 CFR 91.105(b) for citizen participation in all HUD grants programs. The City of Morristown has devised specific actions to encourage increased participation in its housing and community development programs by persons of low- to moderate income.

A draft of the 2022 CAPER was available for public comment for a 15-day period commencing on Monday, September 11, 2023 through Wednesday, September 27, 2023 and a public hearing was held on Wednesday, September 20, 2023. A Public Notice was advertised in the Citizen Tribune. The 2022 CAPER was made available https://www.mymorristown.com/departments/cdbg_and_housing/index.php. The City distributed notice of the public meeting through a wide network of non-profit organizations to ensure affirmative steps to solicit participation in the CAPER preparation process.

All public notices informed residents who may have disabilities and/or speak limited English to contact our office for special accommodations if necessary. A copy of the advertisement is included in the appendix.

Citizens were given an opportunity to review the draft document and provide written comments. There were no public comments received at the meeting.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

Not applicable.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No. The City does not have any open Brownfields Economic Development Initiative (BEDI) grants.

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

The City is not a BEDI grantee.

CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDBG	HOME	ESG	HOPWA	HTF
Total Number of Activities	0	0	0	0	0
Total Labor Hours	0	0	0	0	0
Total Section 3 Worker Hours	0	0	0	0	0
Total Targeted Section 3 Worker Hours	0	0	0	0	0

Table 8 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDBG	HOME	ESG	HOPWA	HTF
Outreach efforts to generate job applicants who are Public Housing Targeted Workers	0	0	0	0	0
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.	0	0	0	0	0
Direct, on-the job training (including apprenticeships).	0	0	0	0	0
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.	0	0	0	0	0
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).	0	0	0	0	0
Outreach efforts to identify and secure bids from Section 3 business concerns.	0	0	0	0	0
Technical assistance to help Section 3 business concerns understand and bid on contracts.	0	0	0	0	0
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.	0	0	0	0	0
Provided or connected residents with assistance in seeking employment including: drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services.	0	0	0	0	0
Held one or more job fairs.	0	0	0	0	0
Provided or connected residents with supportive services that can provide direct services or referrals.	0	0	0	0	0
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.	0	0	0	0	0
Assisted residents with finding child care.	0	0	0	0	0
Assisted residents to apply for, or attend community college or a four year educational institution.	0	0	0	0	0
Assisted residents to apply for, or attend vocational/technical training.	0	0	0	0	0
Assisted residents to obtain financial literacy training and/or coaching.	0	0	0	0	0
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.	0	0	0	0	0
Provided or connected residents with training on computer use or online technologies.	0	0	0	0	0
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.	0	0	0	0	0
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.	0	0	0	0	0
Other.	0	0	0	0	0

Table 9 – Qualitative Efforts - Number of Activities by Program

Narrative

During PY2022, the City of Morristown did not have any contracts that were subject to Section 3 requirements.